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“Covert and Overt Operations:

Interwar Political Policing in the United States and the United Kingdom”

Manuscript accepted for publication by the *American Historical Review*

Jennifer Luff

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SINCE THE EARLY DAYS OF THE Cold War, observers have reproached American anticommunism by invoking the example of British moderation. Historians have often compared the British and American approaches to policing communism, finding that traditions of political toleration in the UK forestalled the extremities of political repression that culminated in the McCarthy era in the U.S. As one writer has put it, “The caution and concern for liberty displayed by the British would, if transferred to America, have prevented many heartbreaks and injustices in the United States.”<sup>1</sup> In these accounts, when atomic spy scandals threatened the emerging Anglo-American “special relationship,” British officials adopted a moderate loyalty-screening program for civil servants at the United States’ behest, but avoided the sorts of abuses that have earned an abiding disrepute for American anticommunism.

However, the story is considerably more complicated. During the interwar years, British political policing operations dwarfed the American regime. The interwar British security services rivaled the Cold War–era FBI in the scale and scope of their surveillance operations. The development of the post–World War II American

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<sup>1</sup> Karen Potter, “British McCarthyism,” in Rhodri Jeffreys-Jones and Andrew Lownie, eds., *North American Spies: New Revisionist Essays* (Edinburgh, 1991), 143–157, here 155.

domestic security state was more of a break with the past than many histories suggest. In contrast, British domestic political policing continued a steady path of increasing authority and capacity from the early twentieth century through the early Cold War era.

These trajectories have been obscured by the nature of each country's policing regime—the British more covert and the American more overt—and by the civil liberties discourses they produced. While the American federal crackdown on Communists was enacted democratically and publicly, the British built a “secret state” whose operations were often hidden from public view. A noisy civil liberties movement continually protested and publicized American political repression and helped to entrench knowledge of it for contemporaries and historians, whereas much of the UK's surveillance and policing of Communists was unknown to the British public. As a result, historians have tended to overstate the stealth of the American security regime, and to understate the severity of the British.

For E. P. Thompson, the more open nature of American political repression made it easier to fight. In his 1979 essay “The Secret State,” Thompson contrasted the British security services, “distinguished by their invisibility and their lack of accountability,” to the United States’ “frightening enlargement of agencies of ‘security.’” The very public nature of these American abuses made it possible to protest them, he argued. Thompson wrote in the wake of the post-Watergate investigations of the FBI and enactment of a robust federal Freedom of Information Act, and he echoed the civil liberties discourse that emphasized exposure and publicity as powerful tools to curb repression. “Thus the United States security organs are more powerful and more intrusive, but they have suffered a public check, are disgraced in the eyes of many American citizens and are at last subject to some legal

accountability,” he said. “In this area at least, the American liberal tradition has turned out to be much tougher than the British.”<sup>2</sup>

From our vantage point, Thompson’s argument seems wishful: neither country’s liberal tradition has proved very durable under duress. But his emphasis on the political significance of secrecy points to a useful analytical framework. Secrecy permitted a dramatically more comprehensive British regime, yet also empowered its agents to exercise more discretion, sometimes to the advantage of radicals and Communists. Publicity produced a civil liberties movement that curtailed the authority of the American regime, but also popular pressure to harass Communists and ultimately to enact severe statutory limits on their rights. The rise of the American security state fits neatly into historical narratives of modern American politics because it featured prominently in contemporary discourse, but the subterranean maneuvers of the British state are difficult to incorporate into histories of an era that was largely ignorant of them.<sup>4</sup>

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<sup>2</sup> E. P. Thompson, “The Secret State,” *Race and Class* 20, no. 3 (1979): 219–242, here 221, 222. On Thompson and the “Secret State” essay, see also Priya Satia, “Interwar Agnotology: Empire, Democracy, and the Production of Ignorance,” in Laura Beers and Geraint Thomas, *Brave New World: Imperial and Democratic Nation-Building in Britain between the World Wars* (London, 2011), 209–225.

<sup>4</sup> In this essay I use “security regime” to describe the institutional framework of political surveillance and policing, including its legal authority, personnel, and oversight. The notion of “national security” emerged in the 1930s and gradually broadened to entail a wide range of discourses concerned with an amorphous “national interest” set against external threats. See Arnold Wolfers, “‘National Security’ as an Ambiguous Symbol,” *Political Science Quarterly* 67, no. 4 (1952): 481–502; Andrew Preston, “Monsters Everywhere: A Genealogy of National Security,” *Diplomatic History* 48, no. 3 (2014): 477–500.

Comparison enables this perspective. It is hard to write comparatively about civil liberties and political repression, because the comparison risks diminishing or praising one regime or another—which is worse or better?<sup>5</sup> Rather than venture specious evaluations of the merits of British or American approaches, the more important question is, how did their respective features develop? When and how did

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<sup>5</sup> Most studies of civil liberties examine national or imperial regimes, and there is not much comparative scholarship. Likely this is due to the tendencies of civil libertarians to “overwhelmingly restrict not simply their rhetorical appeals to national values but their activism to the domestic forum,” as Samuel Moyn has written in *The Last Utopia: Human Rights in History* (Cambridge, 2012), 38. In recent years, scholars have undertaken a more transnational history of “human rights,” in which national civil liberties campaigns operated as precursors to a broader human rights discourse. See, for example, Christopher Moores, “From Civil Liberties to Human Rights? British Civil Liberties Activism and Universal Human Rights,” *Contemporary European History* 21, no. 2 (2012): 169–192; Mark Mazower, “The Strange Triumph of Human Rights, 1933–1950,” *The Historical Journal* 47, no. 2 (2004): 379–398; Devin O. Pendas, “Toward a New Politics? On the Recent Historiography of Human Rights,” *Contemporary European History* 21, no. 1 (2012): 95–111. As for the comparative history of political repression, scholars have studied “state terrorism” regimes in Central America and in Africa. See, for example, James Petras, “State Terror and Social Movements in Latin America,” *International Journal of Politics, Culture, and Society* 3, no. 2 (1989): 179–212; *Shadows of State Terrorism: Impunity in Latin America*, Special Issue, *Social Justice* 26, no. 4 (1999); Gillian Duncan, Orla Lynch, Gilbert Ramsay, and Alison M. S. Watson, eds., *State Terrorism and Human Rights: International Responses since the End of the Cold War* (London, 2013). There is less research comparing repression in the U.S. and Western Europe, but see Mark Mazower’s “The Policing of Politics in Historical Perspective,” in Mazower, ed., *The Policing of Politics in the Twentieth Century: Historical Perspectives* (Oxford, 1997), 241–256.

each state choose to police citizens' politics?<sup>7</sup> Comparative analysis has advantages over transnational methods for studying policing and repression. While transnational approaches seek to avoid narratives that reify the nation-state, these regimes were embedded in their respective state structures, and despite moments of transatlantic interpenetration between the U.S. and the UK, the differences mattered. Transnational

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<sup>7</sup> In this essay I focus on policing of domestic subjects, and not, for example, British imperial subjects in India or American subalterns in the Philippines. Anglo-American civil liberties debates, then and now, rely on a conception of fundamental rights of speech, assembly, and freedom from political policing for citizens. The policing of other subjects is not my central concern here, but nevertheless underlies this story. On citizenship and civil liberties, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J., 2004); Sonya O. Rose, *Which People's War? National Identity and Citizenship in Britain, 1939–45* (Oxford, 2003); Keith McClelland and Sonya Rose, "Citizenship and Empire, 1867–1928," in Catherine Hall and Sonya Rose, eds., *At Home with the Empire: Metropolitan Culture and the Imperial World* (Cambridge, 2006), 275–297. For recent studies that investigate interwar policing of imperial subjects, see Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (Cambridge, 2015); Clifford Rosenberg, *Policing Paris: The Origins of Modern Immigration Control between the Wars* (Ithaca, N.Y., 2006). For an exemplary comparative analysis of imperial surveillance regimes, see Martin Thomas, *Empires of Intelligence: Security Services and Colonial Disorder after 1914* (Berkeley, Calif., 2008). New scholarship on the construction of America's "carceral state" focuses on the postwar criminalization and policing of African American and gay communities. See, for instance, Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *Journal of American History* 97, no. 3 (2010): 703–734; Timothy Stewart-Winter, "Queer Law and Order: Sex, Criminality, and Policing in the Late Twentieth-Century United States," *Journal of American History* 102, no. 1 (2015), 61–72; Matthew D. Lassiter, "Impossible Criminals: The Suburban Imperatives of America's War on Drugs," *ibid.*, 126–140.

history has paid more attention to “transnational do-gooding” than to practices such as the “ties between dictatorships” or “covert operations and intelligence,” as Pierre-Yves Saunier points out, and one reason surely lies in the field’s efforts to de-center the state and avoid essentialist accounts of national histories.<sup>8</sup> It is true that modern political policing transcended state boundaries and drew on dynamics of imperial governance, yet dropping out the state can cloud what was specific, and idiosyncratic, about domestic policing regimes. A transnational approach can illuminate the connections that led the governments of the U.S. and the UK to collaborate and quarrel about managing domestic subversion, and civil libertarians to caucus in transatlantic networks, but make it hard to see how their common language masked different categories. Who counted as a subversive Communist? What did policing entail? The same words had different meanings in each country’s practices. Comparison, by contrast, can “throw a wrench in overdetermined historical narratives,” as Deborah Cohen has remarked, and avoid the pitfalls of implicit and explicit parallels often drawn by contemporaries and scholars.<sup>9</sup>

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<sup>8</sup> Pierre-Yves Saunier, “Learning by Doing: Notes about the Making of the *Palgrave Dictionary of International History*,” *Journal of Modern European History* 6, no. 2 (2008): 159–180, here 170.

<sup>9</sup> Deborah Cohen, “Comparative History: Buyer Beware,” in Deborah Cohen and Maura O’Connor, eds., *Comparison and History: Europe in Cross-National Perspective* (New York, 2004), 57–69, here 64. The distinction between “comparative” and “transnational” history is sometimes murky, reflecting the analytical fuzziness of transnational history. For a trenchant discussion of comparative and transnational methods, see Simon MacDonald, “Transnational History: A Review of Past and Present Scholarship,” January 2013, UCL Centre for Transnational History, [http://www.ucl.ac.uk/centre-transnational-history/objectives/simon\\_macdonald\\_tns\\_review](http://www.ucl.ac.uk/centre-transnational-history/objectives/simon_macdonald_tns_review).

In fact, it is transnationally grounded theoretical accounts of surveillance regimes that often commit the sin of essentialism, constructing a teleology that sets all states on the same path toward panopticism. While historians have tended to study national or imperial political policing regimes in isolation, social theorists have drawn on their accounts to make general arguments about the nature of the “surveillance state.” Such interpretations homogenize the rise of liberal states as expressing an inexorable logic of centralizing state power, with Giorgio Agamben’s “state of exception” a recent version of this argument. Yet these histories are more discontinuous than scholars such as Agamben suggest, and their reliance on a narrow archival base leads many theorists to paper over the variability and complexity of these security regimes. Moreover, surveillance often did not derive from executive decrees; rather, legislatures initiated and enacted laws that criminalized subversion and authorized the policing of politics.<sup>10</sup> Hence surveillance and policing practices reveal as much about the particular political cultures of their respective states as about the logic of surveillance itself. Comparison of surveillance regimes on their own

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<sup>10</sup> Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago, 2005). For a critique of Agamben’s “formalist conception of law” and its incompatibility with American political structures, see William J. Novak, Stephen W. Sawyer, and James T. Sparrow, “Democratic States of Unexception: Toward a New Genealogy of the American Political,” in Kimberly J. Morgan and Ann Shola Orloff, eds., *The Many Hands of the State: Theorizing Political Authority and Social Control* (Cambridge, 2017), 229–257. On Agamben’s elision of countervailing state structures such as legislatures and judiciaries, see Stephen Humphreys, “Legalizing Lawlessness: On Giorgio Agamben’s *State of Exception*,” *European Journal of International Law* 17, no. 3 (2006): 677–687.



terms—“comparisons *of* rather than comparisons *to*,” in Philippa Levine’s words—sunders this universalist narrative by revealing their specific trajectories.<sup>11</sup>

Policing and repression often tacitly operate in these accounts as the extreme manifestation—the sharp end of the spear—of the logic of surveillance. But modern domestic policing, defined as the lawful regulation of subjects in the service of state authority, does not have a straightforward relationship to surveillance.<sup>12</sup> Watching did not necessarily produce repression, and surveillance was not always secret. Surveillance could be covert or overt, policing secret or public, and these configurations varied across space and time.<sup>13</sup>

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<sup>11</sup> Philippa Levine, “Is Comparative History Possible?,” *History and Theory* 53, no. 3 (2014): 331–347, here 340. Of course, comparison can also reveal similarities. Martin Thomas’s comparative study of colonial policing shows how economic crisis eroded imperial capitalist logics in numerous interwar colonial regimes, as labor control became an increasingly important function of colonial police in the 1930s. Thomas, *Violence and the Colonial Order: Police, Workers and Protest in the European Colonial Empires, 1918–1940* (Cambridge, 2012).

<sup>12</sup> As Clive Emsley writes, “To the extent that they are expected to enforce a code of laws and dominant conceptions of social order, the police cannot, in the broad sense, be anything other than political.” Emsley, “Political Police and the European Nation-State,” in Mazower, *The Policing of Politics in the Twentieth Century*, 1–25, here 1–2. Western policing often regulated waged workers, of course, to sustain capitalist production as well as unfree and enslaved labor regimes; ultimately this policing also reinforced state authority.

<sup>13</sup> This essay is weighted more toward historiographical analysis in the U.S. case and empirical findings in the British case. This is due to the nature of their respective histories and historiographies. As I will argue, there is little integration of British interwar repression into broader historical narratives, and much more research still to be done. There is a lot of scholarship on U.S. interwar repression, and less empirical

MASS POLITICAL SURVEILLANCE IS A hallmark of the modern state, as Christopher Bayly remarked, and it features centrally in theoretical work by scholars ranging from Michel Foucault to James Scott.<sup>14</sup> “Surveillance” has become a generic shorthand for the diffusion of practices of watching, counting, and recording the actions of citizens and subjects.<sup>15</sup> Yet the very ubiquity of surveillance obscures how differently states have used it. “Scholars are simply not confronted with good states that refrained from using surveillance versus bad states that resorted to it,” as Peter Holquist argues. “We confront instead differences—crucial differences—in how and to what ends all regimes practiced surveillance.”<sup>16</sup> The uses of surveillance, rather than the fact of its deployment, constitute a natural axis of comparison in modern history.

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research outstanding—to the contrary, existing syntheses sometimes misrepresent its history.

<sup>14</sup> C. A. Bayly, *The Birth of the Modern World, 1780–1914* (London, 2004), 145; Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York, 1979); James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, Conn., 1998).

<sup>15</sup> “Surveillance studies” has recently emerged as a multidisciplinary field with its own journal (*Surveillance & Society*), scholarly associations, and readers; see, for example, Sean P. Hier and Joshua Greenberg, *The Surveillance Studies Reader* (Maidenhead, UK, 2007); Kirstie Ball, Kevin D. Haggerty, and David Lyon, *Routledge Handbook of Surveillance Studies* (London, 2014); Kees Boersma, Rosamunde Van Brakel, Chiara Fonio, and Pieter Wagenaar, *Histories of State Surveillance in Europe and Beyond* (New York, 2014). As a field, surveillance studies tends to draw on sociology, political science, and cultural studies rather than history.

<sup>16</sup> Peter Holquist, “‘Information Is the Alpha and Omega of Our Work’: Bolshevik Surveillance in Its Pan-European Context,” *Journal of Modern History* 69, no. 3 (1997): 415–450, here 449.

A confluence of events—the fall of the Berlin Wall and the collapse of some repressive governments such as the Khmer Rouge, the political success of campaigns for lustration and “freedom of information,” and phenomena such as WikiLeaks—has now forced open the archives of political police around the world. We are able to see how surveillance was conducted, the information it produced, and what police did with that information. Historians have begun to produce scholarship that disrupts blanket narratives of the “surveillance state.” A number of studies have examined the protean uses of surveillance by totalitarian and dictatorial states. Holquist’s work on Russian “perlustration” under tsarism and the early Bolshevik government shows both regimes using mail interception to assay popular opinion. This surveillance functioned something like a prototypical focus group, to aid in devising more effective propaganda. By contrast, in Russia and Eastern Europe under Communism in the 1930s and 1970s, Cristina Vatulescu describes a “spectacle of secrecy” in which political police continually signaled their presence, instilling a constant and sometimes ironic awareness of scrutiny among the population. Colonial and captive states produced quite different systems. Alfred McCoy finds a “politics of scandal” in the Philippines, in which the constabulary amassed incriminating dossiers that could be deployed against both Filipino and American challengers to colonial rule: a discipline of decorum. In Guatemala, on the other hand, Kirsten Weld shows how American advisors trained police in the 1960s to systematize surveillance records in order to “disappear” activists.<sup>17</sup> While all states sought to “see” their subjects, what

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<sup>17</sup> Holquist, “Information Is the Alpha and Omega of Our Work”; Cristina Vatulescu, *Police Aesthetics: Literature, Film, and the Secret Police in Soviet Times* (Stanford, Calif., 2010); Alfred W. McCoy, *Policing America’s Empire: The United States, the Philippines, and the Rise of the Surveillance State* (Madison, Wis., 2009); Kirsten

they did with what they saw varied. Surveillance could be more or less covert or overt, and so could policing. Analyzing when and how these practices were secret or public reveals much about the nature of political authority.

Among liberal regimes, the U.S. and the UK stand out as a particularly good comparison.<sup>18</sup> In the early years of the Cold War, observers increasingly drew a distinction between American excess and British toleration. In 1950, when Parliament debated a proposal for stricter loyalty investigations for civil servants, Lord Vansittart insisted that “the British Upper Chamber will set an example to the American Upper Chamber” with none of the “ballyhoo of Senator McCarthy.”<sup>19</sup> Meanwhile, American civil libertarians, aghast at the abuses of McCarthyism, looked to Britain as a bulwark of political reason. “In these days of concern about our civil liberties, the American often casts longing eyes across the seas to England,” wrote Robert Carr, a professor of law at Dartmouth, in 1956. There was “an air of sanity and calmness and a spirit of

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Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham, N.C., 2014). See also Deborah Susan Bauer, “Marianne Is Watching: Knowledge, Secrecy, Intelligence, and the Origins of the French Surveillance State (1870–1914)” (Ph.D. diss., University of California, Los Angeles, 2013).

<sup>18</sup> As Deborah Cohen advises, “Least likely to go wrong are those topics that begin from a point of relation, those that seemed to contemporaries themselves inherently comparative”; “Comparative History,” 65. For a comparison of Cold War–era anticommunism in the U.S., Canada, and Britain, see Reg Whitaker, “Cold War Alchemy: How America, Britain and Canada Transformed Espionage into Subversion,” *Intelligence and National Security* 15, no. 2 (2000): 177–210.

<sup>19</sup> *House of Lords Debates* 166, March 29, 1950, 609.

assuredness in England” sustained by “faith in established institutions, trust in the common sense and confidence in the honesty and fairness of public officials.”<sup>20</sup>

Historians have echoed these assessments: the UK as tolerant, the U.S. as repressive. While these accounts specify McCarthyism and its related abuses as the moment of dramatic divergence between the two countries, they often back into broader reflections on differences in political culture, finding in the U.S. a tradition of what Richard Hofstadter called “the paranoid style in American politics,” and in Britain a tradition of moderation.<sup>21</sup> In his still widely cited 1978 book *The Great Fear*, David Caute attributed the difference to “the authentically liberal values and standards of tolerance that persisted in Britain,” while in the U.S. a “cultural, idealistic, self-righteous, moral,” and “even messianic image of its own mission” had gripped the country.<sup>22</sup> Britain’s “phlegmatic political tradition,” wrote Peter Hennessy, and “the power of the party machines” explained its culture of

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<sup>20</sup> Robert K. Carr, “Civil Liberties—The British Way,” *New York Times*, January 22, 1956, 9. See also Carr, “Observations by an American on English Civil Liberties,” in Milton R. Konvitz and Clinton Rossiter, eds., *Aspects of Liberty: Essays Presented to Robert E. Cushman* (Ithaca, N.Y., 1958), 235–253. The sociologist Edward Shils, writing in 1956, likewise found a “political equilibrium” in Britain that rested on stable class relations and respect for political hierarchy, versus a disequilibrium in the U.S. that was fed by anxieties produced by populism and social mobility; Shils, *The Torment of Secrecy: The Background and Consequences of American Security Policies* (London, 1956).

<sup>21</sup> Richard Hofstadter, *The Paranoid Style in American Politics and Other Essays* (New York, 1965).

<sup>22</sup> David Caute, *The Great Fear: The Anti-Communist Purge under Truman and Eisenhower* (London, 1978), 20–22.

moderation.<sup>23</sup> In the United States, by contrast, scholars describe a longstanding tradition of intolerance and repression, with McCarthyism as the peak on a continuous trajectory of increasing antiradical repression and antipathy that began long before 1917.<sup>24</sup>

Contemporaries can be forgiven their misconceptions, as they relied on information that was widely available at the time. However, scholars have ample

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<sup>23</sup> Peter Hennessy, *Never Again: Britain, 1945–51* (London, 1992), 409. See also, for instance, Marc J. Selverstone’s argument that “[t]his absence of a comparable British [grassroots anticommunist] lobby highlights the two political cultures’ differing views on anticommunism. The distinction is likely attributable to a more populist and participatory ethos in the United States, as well as to the structural elements of the respective political systems. In the end, McCarthyism simply could not take root in British soil.” Selverstone, *Constructing the Monolith: The United States, Great Britain, and International Communism, 1945–1950* (Cambridge, Mass., 2009), 203. Brian Harrison echoes this argument, attributing “[l]iberty’s informal defence within the UK” to “cultural factors.” Harrison, *Seeking a Role: The United Kingdom, 1951–1970* (Oxford, 2009), 431. “[T]he British system [of handling Communists] seems considerably closer to the ideal than the system in the United States,” according to Joan Mahoney, due to “American Exceptionalism” and the limits of constitutionalism. Mahoney, “Constitutionalism, the Rule of Law, and the Cold War,” in Tom Campbell, K. D. Ewing, and Adam Tomkins, eds., *The Legal Protection of Human Rights: Sceptical Essays* (Oxford, 2011), 127–147, here 145.

<sup>24</sup> See, for instance, Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore, 1991); Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Boston, 1998); M. J. Heale, *American Anticommunism: Combating the Enemy Within, 1830–1970* (Baltimore, 1990); Larry Ceplair, *Anti-Communism in Twentieth-Century America: A Critical History* (Santa Barbara, Calif., 2011), 4; Landon R. Y. Storrs, “McCarthyism and the Second Red Scare,” *Oxford Research Encyclopedia of American History*, <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-6>.

evidence to revise their interpretations. In Britain, public releases of documents beginning in the 1990s have enabled historians to reconstruct the operations of a large and very secretive domestic security apparatus that operated continuously from the late nineteenth century. In the U.S., beginning with the revelations of the Senate Church Committee in the 1970s, many FBI investigative files have been released to the public.<sup>25</sup> Moreover, continuous public investigation exposed many aspects of American political policing as it happened. Why, then, do these historical misconceptions persist?

POLITICAL POLICING ACCOMPANIED the rise of the absolutist state, but it was the Bolshevik Revolution that produced its modern form: as Mark Mazower has pointed out, it “provided a permanent justification for expanding political policing work in capitalist societies.”<sup>26</sup> In the early twentieth century, the organization of political

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<sup>25</sup> Richard J. Aldrich estimated that in general, British record releases lagged “about a decade behind [those] of the United States.” Aldrich, *Espionage, Security, and Intelligence in Britain, 1945–1970* (Manchester, 1998), 11. It is important to remember that these releases are deliberate, not comprehensive, and due caution is always required in developing conclusions based on partial sources. As Aldrich warns, “Historians are what they eat and the convenient but unwholesome diet of processed food on offer in national archives has resulted in a flabby historical posture.” Aldrich, *The Hidden Hand: Britain, America, and Cold War Secret Intelligence* (London, 2001), 6.

<sup>26</sup> Mazower, “The Policing of Politics in Historical Perspective,” 244. In this study, I am not examining surveillance in service of broad state efforts to understand citizens’ political views and to mold them, as in the case of the sweeping postal interceptions described by Holquist, but rather what he calls “policing-style surveillance—gathering information on individual troublemakers as a preventive measure.” This policing-style surveillance provided the ground for straightforward regulation of

policing mirrored the structure of the state in the U.S. and the UK: the American version more dispersed and fragmented, with authority often delegated to private agencies, and the British version more centralized and directly managed by the state.<sup>27</sup>

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citizens: arrest, imprisonment, denial of civil liberties and access to the perquisites of citizenship such as civil-service jobs, and so on. Holquist, “‘Information Is the Alpha and Omega of Our Work,’” 439.

<sup>27</sup> On the dispersed and decentralized nature of the American state, see William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, N.C., 1996); Brian Balogh, *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge, Mass., 2009); Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton, N.J., 2015). My analysis here follows Margot Canaday's view that federal state capacity remained comparatively limited in the early twentieth century. Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J., 2009), 1. On the early centralization of the British state, see John Brewer, *Sinews of Power: War, Money and the English State, 1688–1783* (Cambridge, Mass., 1990). Compared to its European counterparts, the nineteenth- and early-twentieth-century British state was minimalist and *laissez-faire* in the eyes of contemporaries and historians, and began to amass significant centralized power only with the creation of the postwar welfare state. A number of historians have recently reconsidered British state development, thinking “beyond weak and strong,” in the words of Peter Baldwin, and analyzing how taxation, health policy, and especially empire created forms of governmentality beyond central bureaucratic capacity. Baldwin, “Beyond Weak and Strong: Rethinking the State in Comparative Policy History,” *Journal of Policy History* 17, no. 1 (2005): 12–33; Baldwin, “The Victorian State in Comparative Perspective,” in Peter Mandler, ed., *Liberty and Authority in Victorian Britain* (Oxford, 2006), 51–67; Simon Gunn and James Vernon, “Introduction: What Was Liberal Modernity and Why Was It Peculiar in Imperial Britain?,” in Gunn and Vernon, eds., *The Peculiarities of Liberal Modernity in Imperial Britain* (Berkeley, Calif., 2011), 1–18. David Edgerton has shown how the British built a “military-industrial-scientific complex which was, in



The U.S. lacked a national police force, and the authority to police insurgents—strikers, anarchists, and radicals—largely fell to local police forces and to private detective agencies such as the Pinkertons. This regime drew regular protests from trade unions, which engineered congressional hearings to publicize abuses of private detective agencies—the Senate hearings on labor and capital in 1883, the Commission on Industrial Relations in 1912—as well as muckraking journalism on what workers called “the labor spy.”<sup>28</sup> By contrast, beginning in the 1840s, the UK had organized a national network of local police. In 1883, Fenian bombings and the threat of anarchism sparked the creation of “Special Branch,” dedicated to policing domestic unrest.<sup>29</sup> Imperial politics shaped British political policing: the effort to quell colonial unrest produced technologies that circulated between metropole and colonies, and many officials also circulated such as Vernon Kell, the first head of MI5, who fought in the Boxer Rebellion and later served as an intelligence officer at the War Office.<sup>30</sup>

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the phrase of the time, “second to none” in the early twentieth century, creating a “warfare state” that was hardly minimalist. Edgerton, *Warfare State: Britain, 1920–1970* (Cambridge, 2006), 1. As I show, antiradical surveillance and policing constituted another realm of robust British central-state capacity.

<sup>28</sup> See, for example, Sidney Howard, *The Labor Spy: A Survey of Industrial Espionage* (New York, 1924).

<sup>29</sup> On the development of England’s dispersed but nationally coordinated local police, see David Philips and Robert D. Storch, *Policing Provincial England, 1829–1856: The Politics of Reform* (Leicester, 1999); Philips, “A ‘Weak State’? The English State, the Magistracy, and the Reform of Policing in the 1830s,” *English Historical Review* 119, no. 483 (2004): 873–891. On Special Branch, see Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War* (London, 1987).

<sup>30</sup> On imperial policing, see Thomas, *Violence and the Colonial Order*; C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India*,

In 1909, German spy scares led Britain to form the Secret Service, with MI5 given authority over counterespionage.<sup>31</sup> The U.S. had created the federal Bureau of Investigation (BI) the previous year, with a far more limited brief to investigate mostly antitrust and interstate commerce issues. Many of its first agents came from

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1780–1870 (Cambridge, 1996). Alfred McCoy has argued that policing practices pioneered in the U.S. occupation of the Philippines became the basis for the World War I–era American security regime; *Policing America's Empire*, chap. 9. Like other historians, I find this aspect of his argument unconvincing. The porous boundaries between the early BI and American detective agencies meant that their methods and practices, including meticulous recordkeeping, were far more influential than the Philippine occupation.

<sup>31</sup> On Kell, see Christopher Andrew, *Secret Service: The Making of the British Intelligence Community* (London, 1985), 59–60; Porter, *Origins of the Vigilant State*, 170–172. Historians of MI5 and Special Branch note that their staffs and budgets waxed and waned and their institutional relationships shifted. For example, MI5, charged with policing subversion in the armed services and counter-espionage, saw its budget cut after World War I. Scotland Yard had authority over civil subversion until 1931, when MI5 saw its authority expanded to all counter-subversion. For my purposes, the staffing and financing of any particular policing agency is less significant than the fact that they operated nationally in a coordinated way, and that local police often functioned as investigative staff for the national agencies, enabling a comprehensive security regime. Eric Holt-Wilson, deputy head of MI5, made this point in 1934. MI5 had “the full personal confidence and daily services of all the British Police throughout the Empire. In Britain alone this includes 245 Civil Chiefs of Police and their 65,000 Civil Police, amongst whom are over 7,000 plain clothes men and detectives,” he said. Imperial War Museum, London, Papers of Major General Sir Vernon Kell KBE, H[olt]-W[ilson], “Security Intelligence in War,” lecture notes, 1934. For the institutional history, see Christopher Andrew, *Defence of the Realm: The Authorized History of MI5* (London, 2009); Kevin Quinlan, *The Secret War between the Wars: MI5 in the 1920s and 1930s* (Woodbridge, 2014).

private detective agencies, and their experience in policing strikers shaped the early politics of the BI.<sup>32</sup>

War, as ever, was the health of the surveillance state.<sup>33</sup> During World War I, both the U.S. and the UK enacted a raft of laws that criminalized dissent—the Espionage Act and the Sedition Act in the U.S., the Defence of the Realm Act in the UK. In the case of the U.S., this required a dramatic expansion of federal policing, and in characteristic American fashion, the BI deputized freelance private detectives and vigilant citizen groups. The UK, by contrast, hired thousands of agents for MI5 and the Secret Intelligence Service, as well as for Special Branch. In both countries during the war, police investigated and imprisoned thousands of pacifists and antiwar activists. The Bolshevik Revolution cast a red tint on domestic dissent, and both countries arrested and deported Communist organizers, with the U.S. crackdown considerably more severe.<sup>34</sup> It is worth emphasizing, *pace* Agamben, that the legal

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<sup>32</sup> The BI was renamed the FBI in 1935. On early labor policing, see Beverly Gage, *The Day Wall Street Exploded: A Story of America in Its First Age of Terror* (New York, 2009); J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America* (New York, 1998); Jennifer Luff, “Surrogate Supervisors: Railway Spotters and the Origins of Workplace Surveillance,” *Labor: Studies in Working-Class History of the Americas* 5, no. 1, (2008): 47–74. On the early history of the FBI, see Richard Gid Powers, *Secrecy and Power: The Life of J. Edgar Hoover* (New York, 1986); Athan Theoharis, ed., *From the Secret Files of J. Edgar Hoover* (Chicago, 1991); Athan G. Theoharis and John Stuart Cox, *The Boss: J. Edgar Hoover and the Great American Inquisition* (Philadelphia, 1988).

<sup>33</sup> Randolph S. Bourne, “The State,” in Carl Resek, ed., *War and the Intellectuals: Essays by Randolph S. Bourne, 1915-1919* (New York, 1964), 69.

<sup>34</sup> For the U.S., see Athan G. Theoharis, *The FBI: A Comprehensive Reference Guide* (Westport, Conn., 1999); Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919–1920* (1955; repr., New York, 1964); William Preston Jr., *Aliens and*

authority for both of these systems derived from democratically enacted legislation, not executive authority.

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*Dissenters: Federal Suppression of Radicals, 1903–1933*, 2nd ed. (Urbana, Ill., 1963); Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York, 2008). For the UK, see K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain, 1914–1945* (Oxford, 2000). There is very little scholarship on British anticommunism as a standalone ideology or set of practices; indeed, “British anticommunism” is something of an oxymoron in interwar historiography, which more frequently explores “extremism,” lumping together Fascism and Communism, and state efforts to combat both. By contrast, there is a significant literature on “anti-socialism”; see, for example, Kenneth D. Brown, “The Anti-Socialist Union, 1908–1949,” in Brown, ed., *Essays in Anti-Labour History: Responses to the Rise of Labour in Britain* (Basingstoke, 1974), 234–261; Ross McKibbin, “Class and Conventional Wisdom: The Conservative Party and the ‘Public’ in Inter-War Britain,” in McKibbin, *Ideologies of Class: Social Relations in Britain, 1880–1950* (Oxford, 1990), chap. 9; Laura Beers, “Counter-Toryism: Labour’s Response to Anti-Socialist Propaganda, 1918–39,” in Matthew Worley, ed., *The Foundations of the British Labour Party: Identities, Cultures and Perspectives, 1900–39* (Farnham, 2009), 231–254. Yet British anticommunism was fierce. Antony Best has argued that in the interwar years, “a ‘cold war’ of sorts existed between Britain and the Soviet Union.” Best, “‘We Are Virtually at War with Russia’: Britain and the Cold War in East Asia, 1923–40,” *Cold War History* 12, no. 2 (2012): 205–225, here 218. Victor Madeira makes a similar argument in *Britannia and the Bear: The Anglo-Russian Intelligence Wars, 1917–1929* (Woodbridge, 2014). Soviet support for anti-imperial movements was a major source of British hostility. Priya Satia finds extensive evidence of British concern about an Arab-Bolshevik “conspiracy” in the Middle East in Satia, *Spies of Arabia: The Great War and the Cultural Foundations of Britain’s Covert Empire in the Middle East* (New York, 2008), chap. 6; as does Thomas in *Empires of Intelligence*, 90–100.

During the war, German spies and Indian revolutionaries plotting in the U.S. caused the British government to set up an intelligence outpost in New York, giving British officials a close look at American investigative methods. They were not impressed. The BI had failed to notice German agents who were operating brazenly in New York. Worse, American officials were reluctant to move against the Ghadar movement of South Asian revolutionaries on the West Coast. Tensions mounted as British agents remained in the U.S. after the war, turning their attention to Communists, and in 1920 the State Department formally ordered them to cease operations on American soil. This short-lived coordination left a legacy of mutual suspicion that precluded further cooperation in domestic policing in the interwar years.<sup>35</sup> From the early 1920s through the late 1930s, MI5 and the BI had little contact.<sup>36</sup>

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<sup>35</sup> On British operations in the U.S. during the war, see Richard J. Popplewell, *Intelligence and Imperial Defence: British Intelligence and the Defence of the Indian Empire, 1904–1924* (London, 2004); Don K. Dignan, “The Hindu Conspiracy in Anglo-American Relations during World War I,” *Pacific Historical Review* 40, no. 1 (1971): 57–76; Richard B. Spence, “Englishmen in New York: The SIS American Station, 1915–21,” *Intelligence and National Security* 19, no. 3 (2004): 511–537. On the Ghadar movement, see Maia Ramnath, *Haj to Utopia: How the Ghadar Movement Charted Global Radicalism and Attempted to Overthrow the British Empire* (Berkeley, Calif., 2011) and Seema Sohi, *Echoes of Mutiny: Race, Surveillance, and Indian Anticolonialism in North America* (New York, 2014).

<sup>36</sup> Thanks to John Fox, the FBI’s in-house historian, for clarification on the interwar relationship between the FBI and British security services. This is not to say that there was no contact whatsoever between the two security regimes. When MI5 officials sought information from American sources, they sometimes reached out to Ray Atherton, the first secretary at the U.S. Embassy in London. See, for instance, Kell’s letter concerning leftist activist John Strachey’s visit to the U.S. in *The National*

At war's end, then, the British and American security regimes looked rather alike: vastly expanded domestic surveillance forces with broad powers to police dissent. At this moment, the two states diverged sharply: while Britain retained its domestic policing system, the U.S. dismantled much of its new federal apparatus. The American wartime regime had been a sharper rupture with the past, a dramatic expansion and centralization of state power. It gave rise to a widespread backlash. Over the next twenty years, a loose coalition mobilized to expose and publicize the abuses of political police, both federal and private. This coalition included trade unionists, law professors, leftists, and the newly created American Civil Liberties Union (ACLU). They drew on past experience of attacking the private detective agencies: they conducted their own investigations, organized congressional hearings, and challenged the statutory authority of political police. In the 1920s, they focused on the federal Justice Department; in the 1930s, they trained their sights on private detectives and local police.<sup>37</sup>

In 1920, civil libertarians scuttled efforts to renew the Sedition Act, thus eliminating the legal authority for the Bureau of Investigation to police domestic politics. After 1920, it had no legal ground to surveil native Communists or other radical groups. But the BI (headed by the former head of a private detective agency,

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Archives, Kew, UK [hereafter TNA], Records of the Security Service, KV 2/786, Vernon Kell to Ray Atherton, February 22, 1935; or Kell's sharing of intelligence concerning American Communist William Weinstone, in KV 2/4234, Kell to Atherton, July 7, 1933.

<sup>37</sup> On the origins of the ACLU, see Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York, 1990); Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York, 2000); John Fabian Witt, "Crystal Eastman and the Internationalist Beginnings of Civil Liberties," *Duke Law Journal* 54, no. 3 (2004): 705–763.

William J. Burns) continued secretly to tail strikers, Wobblies, and Communists for several years.<sup>38</sup> The ACLU began to argue that “the nation-wide spy system” growing within the BI, which engaged in “the collection of a mass of material about radicals, the dissemination of propaganda, and espionage on radical and labor organizations,” was itself a violation of civil liberties.<sup>39</sup> In early 1924, as the ACLU amassed evidence for a congressional investigation, a congressional bribery scandal turned up evidence of BI agents spying on congressmen.<sup>40</sup> That March, President Calvin Coolidge fired the attorney general and appointed Columbia Law School dean Harlan Fiske Stone to head the Justice Department. Stone promoted a junior staffer, J. Edgar Hoover, to acting director of the BI, and they quickly reorganized the Bureau. By

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<sup>38</sup> In 1922, Burns’s Bureau organized a raid on the Communist Party USA in Michigan, arresting its leaders for sedition, but they had to keep their role secret, and pressure the state of Michigan to bring charges against the party leaders, because the federal government had no statutory authority to police Communists. On this episode, see Michal R. Belknap, “Uncooperative Federalism: The Failure of the Bureau of Investigation’s Intergovernmental Attack on Radicalism,” *Publius* 12, no. 2 (1982): 25–47; and Jennifer Luff, *Commonsense Anticommunism: Labor and Civil Liberties between the World Wars* (Chapel Hill, N.C., 2012), 96–99, 104–105. On the Burns-era Bureau of Investigation, see Gage, *The Day Wall Street Exploded*; and Richard Gid Powers, *Broken: The Troubled Past and Uncertain Future of the FBI* (New York, 2004).

<sup>39</sup> American Civil Liberties Union, *The Nation-Wide Spy System Centering in the Department of Justice: Facts Showing the Enormous Recent Growth of a Governmental Secret Police System, Engaged in Espionage, Intimidation, Propaganda and Provocative Acts* (New York, 1924), 5.

<sup>40</sup> See, for example, *American Civil Liberties Union Records: The Roger Baldwin Years, 1917–1950* (microfilm ed., Wilmington, Del., 1996), reel 35, vol. 250, W. Jett Lauck to Roger Baldwin, February 13, 1924, and April 12, 1924, and Roger Baldwin to Committee on Appropriations, May 8, 1924.

August, Stone and Hoover told Baldwin that “the department dealing with radical activities has been entirely abolished. There is not a single man in the department especially assigned to that work.”<sup>41</sup> By 1924, civil libertarians had succeeded in disabling both the statutory authority and the secret surveillance apparatus of the nation’s political police. In the following years, Hoover’s FBI turned its attention to chasing gangsters and “white slavery” sex traffickers, and left the policing of radicals to local authorities.<sup>42</sup>

While historians sometimes treat this episode as a sham, antiradical activists regarded the BI’s withdrawal as a security threat and lobbied hard to restore to the Bureau the authority to police Communists. In 1930, a special congressional

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<sup>41</sup> Ibid., reel 38, vol. 271–272, Roger Baldwin, “Memorandum on the interview with the Attorney-General and with John W. Hoover [*sic*], acting head of the Bureau of Investigation (August 4),” August 7, 1924. Hoover told Baldwin that he would be unable to destroy the existing confidential files, “for he has no authority to destroy records in the Department and it could not be done without an act of Congress,” but he promised to keep them secret.

<sup>42</sup> On the FBI and the image of the G-Man, see Claire Bond Potter, *War on Crime: Bandits, G-Men, and the Politics of Mass Culture* (New Brunswick, N.J., 1998). On the FBI and the policing of sexuality, see Jessica R. Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge, Mass., 2014). New scholarship on sexuality and civil liberties has greatly expanded our understanding of both the FBI and the ACLU. See Leigh Ann Wheeler, *How Sex Became a Civil Liberty* (New York, 2013); Laura M. Weinrib, “The Sex Side of Civil Liberties: *United States v. Dennett* and the Changing Face of Free Speech,” *Law and History Review* 30, no. 2 (2012): 325–386. For a recent account of FBI surveillance of African American writers, see William J. Maxwell, *F.B. Eyes: How J. Edgar Hoover’s Ghostreaders Framed African American Literature* (Princeton, N.J., 2015). Maxwell notes that Hoover’s FBI took an “anomalous break” from surveilling writers from 1924 until the late 1930s; *ibid.*, 17, 76–80.



committee headed by U.S. Representative Hamilton Fish of New York convened six months of hearings to mobilize support for such a law. Yet witnesses repeatedly decried “secret police” and urged Congress against empowering them. J. Edgar Hoover himself testified in closed session that while “there should be a law which prohibits you or I or anybody else individually or collectively going down on Pennsylvania Avenue and advocating the overthrow of the Government by force and violence,” unfortunately “there is no law to-day along that line,” and thus the FBI could not police sedition.<sup>43</sup> In the end, Congress voted against authorizing the FBI to police radicals, and in 1934 refused to extend authority to police Fascists as well.<sup>44</sup> Meanwhile, the growing Popular Front coalition of Communists, leftists, and labor and anti-racist activists alarmed both the FBI and the president, as did the burgeoning Fascist groups. In 1936, Hoover sought and received special authority from President Roosevelt to secretly surveil Fascists, Communists, and radical trade unionists, but the secrecy of this authority impaired his ability to act. With no federal law banning radicalism, the FBI could not bring charges against these targets, and with a secret authorization, the Bureau could not seek budgetary authority to hire agents.<sup>45</sup> The

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<sup>43</sup> U.S. House of Representatives, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda: Hearings on H. Res. 220*, 71st Cong., 2nd sess., pt. 2 (Washington, D.C., 1930), 36. On the Fish Committee’s debate about political policing, see Luff, *Commonsense Anticommunism*, 136–141.

<sup>44</sup> U.S. House of Representatives, Committee on Immigration and Nationalization, *To Exclude and Expel Alien Fascists and Communists: Hearings on H.R. 7120*, 74th Cong., 1st sess. (Washington, D.C., 1934).

<sup>45</sup> For the special memo, see the Church Committee report: U.S. Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Final Report 3, Intelligence Activities and the Rights of Americans*, 94th Cong., 2nd

federal executive branch had little capacity to surveil or police Communists or other radicals.<sup>46</sup>

This situation helps explain the origins of the Dies Committee, the progenitor of the House Un-American Activities Committee (HUAC), in 1938. Congressman Martin Dies used his hearings to attack the New Deal and smear government officials as reds, as is well known. What is less well understood is that the Dies Committee also exposed the lack of federal policing capacity and baited Hoover's FBI for seeming to allow subversives to connive in plain sight. The Dies Committee seized authority that the executive branch had, in the view of antiradicals, abdicated.<sup>47</sup> In

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sess. (Washington, D.C., 1976), 395–397. The Church Committee's investigation, based on interviews as well as reviews of files, likewise found a general cessation of political policing from 1924 to 1936, and a halting resumption afterward that was hampered by its dubious legal status until 1940, as discussed below. On the FBI's withdrawal from countersubversive policing in these years, see Raymond J. Batvinis, *The Origins of FBI Counterintelligence* (Lawrence, Kans., 2007), 40–51. As Batvinis puts it, Stone's order "dramatically shifted the FBI focus away from the investigation of subversives and curtailed any possibility of detecting foreign espionage in the United States unless prima facie evidence was brought to the FBI's attention" (49).

<sup>46</sup> John Earl Haynes and Harvey Klehr described these circumstances as a "disarray in American counterintelligence. In the 1930s the U.S. government had a hodgepodge of internal security laws, no clear executive order on what constituted government secrets, no clear policy on the security fitness of government personnel with access to sensitive information, and divided and unclear authority as to which government agencies were responsible for internal security enforcement." Haynes and Klehr, *Venona: Decoding Soviet Espionage in America* (New Haven, Conn., 1999), 85–86.

<sup>47</sup> To the frustration of Dies, Hoover refused to aid the committee's investigation by supplying staff or information from FBI files. See J. Edgar Hoover, "Memorandum for the Attorney General," December 9, 1940, Library of Congress, Washington, D.C., Papers of Robert H. Jackson, box 89, folder 11. On the Dies Committee, see

effect, the Dies Committee (and later HUAC) functioned to both surveil and police radicals and Communists, by hiring investigators, holding public hearings to question suspects, and in some cases developing sufficient information to enable criminal prosecution. This was a very public form of surveillance and policing—and a democratic one, authorized by elected officials and conducted in open forums.<sup>48</sup>

What remained in place was the prewar system of private detective agencies and local police forces, which continued to pursue Communist organizers, strikers, and increasingly African American activists with their old alacrity. Local repression was especially severe in the South, such as when Communists marched with strikers and African Americans in Gastonia, North Carolina, in 1929. Mass protests periodically drew redbaiting, most notably the Bonus March of military veterans in 1931. Immigrants and resident aliens were always subject to far more restrictive laws.

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James A. Gross, *The Reshaping of the National Labor Relations Board: National Labor Policy in Transition, 1937–1947* (Albany, N.Y., 1981); Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton, N.J., 2013), chap. 2; Luff, *Commonsense Anticommunism*, chap. 9.

<sup>48</sup> Both Ira Katznelson and Ellen Schrecker have made a similar point. As Katznelson writes, Roosevelt and other executive branch officials “were apprehensive about freewheeling congressional investigations they could not control, in part because they were institutional rivals”; he points out that the Dies Committee saw the first invocation of the Fifth Amendment to avoid criminal incrimination by a congressional witness, Communist leader Earl Browder. Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York, 2013), 328–331, quote from 331. Schrecker comments that “in many ways, the operation of these [congressional investigative] committees paralleled the executive branch,” but “because congressional hearings were immune from the due-process requirements that accompanied criminal prosecutions, the committees had more leeway to denounce and accuse.” Schrecker, *The Age of McCarthyism: A Brief History with Documents* (Boston, 2002), 63.

Throughout these years, the Department of Labor oversaw numerous deportations and visa denials for Communists. It is not that there was no anticommunist repression in the interwar years; to the contrary. But it was fragmented and localized, with limited coordination among local and federal authorities and private agencies competing for business.<sup>49</sup>

During the 1930s, an emboldened civil liberties movement rallied attacks on this system as well, decrying police strikebreaking and labor espionage. They engineered yet another exposé of political policing with the La Follette Committee, which met from 1936 to 1939 to take evidence on employers' dependence on hired muscle and police cronyism to stymie labor and civil rights organizing. As a result, the operations of private detective agencies and strikebreaking police were retrenched. In May 1939, the La Follette Committee sent an investigator out to interview detective agency heads about their current business conditions, and all agreed that business was terrible. A former strikebreaker explained: "The La Follette Committee investigation put an awful crimp in the market for services in these parts, and the existence of the committee still holds things up. Employers don't want to get exposed."<sup>50</sup>

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<sup>49</sup> On local anti-radical repression, see Glenda Elizabeth Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919–1950* (New York, 2008). For a recent account of the ways employers scrambled to police strikers in the 1930s, relying on ad hoc networks of private detectives and citizens such as Ralph van Deman, head of U.S. military intelligence during World War I, see Kathryn S. Olmsted, *Right out of California: The 1930s and the Big Business Roots of Modern Conservatism* (New York, 2015).

<sup>50</sup> U.S. Senate, *Oppressive Labor Practices Act: Hearings before a Subcommittee of the Committee on Education and Labor*, 76th Cong., 1st sess. (Washington, D.C., 1939), 156, 166.

By the late 1930s, then, both executive and delegated political policing of citizens had been significantly curtailed, while congressional policing had begun to escalate. Covert surveillance had shriveled, while overt, democratic policing grew. The trajectory of American political policing was quite different from what theories of the surveillance state would predict. Numerous historical accounts paint the FBI as a continually expanding empire driven by a power-mad Hoover. Ira Katznelson's *Fear Itself* is only the most recent version of this interpretation, which relies on a historiography produced by scholars who came of age in the era of the Church Committee and revelations about later abuses by Hoover's FBI.<sup>51</sup> But longstanding dynamics in American political culture—especially suspicion of federal authority—reversed tendencies toward executive political policing in the interwar years.<sup>52</sup> In

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<sup>51</sup> Katznelson, *Fear Itself*, 326–330; Theoharis and Cox, *The Boss*; Athan Theoharis, “The FBI and the Politics of Anti-Communism, 1920–1945: A Prelude to Power,” in Robert Justin Goldstein, *Little “Red Scares”: Anti-Communism and Political Repression in the United States, 1921–1946* (Surrey, 2014), 23–44; William Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903–1933*, 2nd ed. (Urbana, Ill., 1994). Theoharis rarely acknowledges the changing legislative authority for the Bureau's operations. See, for example, Athan G. Theoharis, “Political Policing in the United States: The Evolution of the FBI, 1917–1956,” in Mazower, *The Policing of Politics in the Twentieth Century*, 191–212. For a symptomatic recent popular account that implies that the FBI operated a broad surveillance and policing operation in the interwar years, without supplying much evidence of it, see Tim Weiner, *Enemies: A History of the FBI* (New York, 2012). For a revisionist account of Hoover's FBI in its later years that emphasizes its bureaucratic autonomy, see Beverly Gage, “Deep Throat, Watergate, and the Bureaucratic Politics of the FBI,” *Journal of Policy History* 24, no. 2 (2012): 157–183.

<sup>52</sup> For a helpful early review essay laying out the poles of the debate over the FBI and critiquing the Manichean portrait of the agency that has dominated much scholarship, see Michal R. Belknap, “Secrets of the Boss's Power: Two Views of J. Edgar

*Liberty and Coercion*, Gary Gerstle describes antistatism as a dynamic that forced American officials to continually improvise new structures of governance. A powerful federal police force was, to this point, possible only during wartime, despite the wishes of people like J. Edgar Hoover: “His FBI had acquired the capacity—but not the authority—to root radicals out of American life.” To Hoover’s dismay, by the late 1930s the U.S. had scarcely any capacity for policing radicals, in stark contrast to European states.<sup>53</sup> Resistance to bureaucracy nevertheless enabled a form of ad hoc and popular political policing via the congressional committee.<sup>54</sup>

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Hoover,” *Law and Social Inquiry* 14, no. 4 (1989): 823–838. Recent revisionist scholarship includes Batvinis, *The Origins of FBI Counterintelligence*; Raymond J. Batvinis, *Hoover’s Secret War against Axis Spies: FBI Counterespionage during World War II* (Lawrence, Kans., 2014); Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919–1943* (Copenhagen, 2000).

<sup>53</sup> Gerstle, *Liberty and Coercion*, 142. For another account that emphasizes the limitations of interwar political repression, see Alex Goodall, *Loyalty and Liberty: American Countersubversion from World War I to the McCarthy Era* (Urbana, Ill., 2013).

<sup>54</sup> Scholars have recently called for more attention to the history of antistatism. In *Roots of Reform: Farmers, Workers, and the American State, 1877–1917* (Chicago, 1999), Elizabeth Sanders describes the deep hostility shown by farmers’ and workers’ movements to state bureaucracy in the Progressive Era. Julian Zelizer argues that popular antistatism shaped the development of the modern U.S. state by constraining taxation and bureaucratic capacity; Zelizer, *Governing America: The Revival of Political History* (Princeton, N.J., 2012), 111, 123. On American antistatism as a constraint on Cold War military mobilization, see also Aaron L. Friedberg, *In the Shadow of the Garrison State: America’s Anti-Statism and Its Cold War Grand Strategy* (Princeton, N.J., 2000). For working-class antistatism, see Shane Hamilton, *Trucking Country: The Road to America’s Wal-Mart Economy* (Princeton, N.J., 2008). Romain Huret argues that antistatism was a feature of modern European history as well, and its study offers a basis for a new “social history of the state.”

Yet historiographical misconceptions persist about the scope and severity of interwar federal political repression. Why? It is an effect of the civil liberties movement's politics of publicity and exposure. Civil liberties campaigns continually highlighted, and denounced, repressive activity by federal and private police even as police powers diminished. Much of our knowledge of the 1920s Red Scare or the 1930s employer onslaught against union organizers comes from these clamorous public investigations. The abuses loom larger in our historical record than their abatement, and the narrative of repression became embedded in mainstream politics and historical interpretations. Indeed, some of the leading scholars of American repression had deep connections to the civil liberties movement, including Athan Theoharis, who served as a consultant for the Church Committee, and William Preston Jr., nephew of ACLU head Roger Baldwin. Advocacy and scholarship often chimed.<sup>55</sup> At the same time, civil libertarians denounced bureaucratic and executive authority, bracketing the uncomfortable fact that popular politics produced the legislative and political legitimation for much political repression. Analyzing the workings of American interwar surveillance and policing shows its essentially populist nature, mixing up antiradicalism with antistatism: trade unionists,

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Huret, "All in the Family Again? Political Historians and the Challenge of Social History," *Journal of Policy History* 21, no. 3 (2009): 239–263.

<sup>55</sup> For Theoharis, see U.S. Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Final Report*, 94th Cong., 2nd sess., 6 vols. (Washington, D.C., 1976), vol. 1: *Foreign and Military Intelligence*, 651. On Preston, see Gerda W. Ray, "'A Readiness to Act': William Preston Jr.'s *Aliens and Dissenters: Federal Suppression of Radicals, 1903–1933*," *Reviews in American History* 23, no. 4 (1995): 744–755.

intellectuals, and federal officials all came under scrutiny. Meanwhile, in Britain, the policing of politics continued, largely in secret.

POLITICAL HISTORIES OF INTERWAR BRITAIN do not tend to discuss political repression, but it was widespread in these years.<sup>56</sup> Britain had also expanded its domestic security forces and legal authority to police politics during the war years, but these were already quite well established. After the war, while MI5's staff and budget were reduced, there remained a sizable and coordinated national policing operation. Moreover, the legal authority for political policing introduced in the Defence of the Realm Act was not repealed, but rather was codified in the Emergency Powers Act and the Official Secrets Act of 1920, which provided a peacetime justification for suppressing dissent.<sup>57</sup> Over the course of the 1920s, the government tightened its control over local police forces, frequently in response to industrial unrest.<sup>58</sup> The British possessed a large and well-staffed police force able to coordinate

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<sup>56</sup> For recent insightful accounts that do not discuss repression, see, for example, Ross McKibbin, *Parties and People: England, 1914–1951* (Oxford, 2010); Helen McCarthy, “Whose Democracy? Histories of British Political Culture between the Wars,” *The Historical Journal* 55, no. 1 (2012): 221–238; Laura Beers and Geraint Thomas, “Introduction: Nation and ‘Nations’ in Inter-war Britain,” in Beers and Thomas, *Brave New World*, 1–38.

<sup>57</sup> Ewing and Gearty, *The Struggle for Civil Liberties*, 25.

<sup>58</sup> As Jane Morgan has shown, between 1900 and 1939, “increased centralization was paralleled by an increase of police operational powers.” These changes “followed the deliberate policy of the Home Office that the law enforcement agencies should be nationalized, to counter labour troubles that were themselves nationwide. In the course of this the police should be largely removed from democratic accountability.” Morgan, *Conflict and Order: Police and Labour Disputes in England and Wales, 1900–1939* (Oxford, 1987), 276–278. Clive Emsley notes that in 1928 a Home Office



nationally that held quite sweeping authority to monitor, censor, arrest, and imprison those deemed subversive.<sup>59</sup>

Here it is worth noting that political policing targeted Communists, not Fascists. Historians have adopted the language of the 1930s that cast Communist radicals and Fascist reactionaries as “extremists” who posed an equal threat to British political moderation. However, security files released to date reveal extensive policing and surveillance of Communists, and much less of Fascists. After 1935, British foreign intelligence increasingly focused on German espionage and subterfuge, but MI5 paid only desultory attention to domestic Fascists such as Oswald Mosley (and the home secretary refused to approve intercepts of Mosley’s mail in

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official contrasted the more centralized English policing system to the US policing regime, which was “a picture of local autonomy and democratic control gone mad.” Emsley, “The Police,” in Vernon Bogdanor, ed., *The British Constitution in the Twentieth Century* (Oxford, 2003), 566.

<sup>59</sup> Richard J. Aldrich, “The Secret State,” in Paul Addison and Harriet Jones, eds., *A Companion to Contemporary Britain, 1939–2000* (Malden, Mass., 2005), 333–350, here 342. In the 1920s, British employers also organized a private agency, the Economic League, to blacklist trade unionists and proselytize workers about the evils of communism. The Economic League destroyed its files, making it difficult to track its activities, but scholars have shown how the League coordinated with local police to share information. As Kathryn Olmsted explains in her comparison of the Economic League with private intelligence networks in the U.S., interwar British anticommunist campaigns tended toward straightforward denunciations of radicalism, while American anti-radicals constructed a sweeping analysis linking communism, feminism, and racial justice. The Economic League’s reach was small compared to the extensive system of private detective agencies in the U.S. Olmsted, “British and US Anticommunism between the World Wars,” *Journal of Contemporary History*, doi:10.1177/0022009416653458, advance online publication October 2016.

1934 and 1936).<sup>60</sup> Throughout the 1930s, observers complained about the apparent solicitude shown by police for the rights of Fascist protesters, in stark contrast to the high rates of prosecution of Communists.<sup>61</sup>

The status of Communism was dubious: was it legal or not? While two candidates won parliamentary seats on the Communist ticket in the 1920s, and university students formed Communist study groups, Communist activists were regularly arrested and prosecuted. Interwar British Communists faced a great deal of straightforward political repression. The police raided the headquarters of the Communist Party of Great Britain (CPGB) in 1924, arrested the editor of the Party's newspaper, the *Worker's Weekly*, and carted away all of the party's files.<sup>62</sup> There were many arrests, even during periods of relative political calm. Leaders of the party endured continued harassment. Albert Inkpin, one of the founders of the CPGB, was

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<sup>60</sup> Andrew, *Defence of the Realm*, 193.

<sup>61</sup> Richard C. Thurlow, "British Fascism and State Surveillance, 1934–45," *Intelligence and National Security* 3, no. 1 (1988): 77–99. David Feldman notes that interwar British courts significantly extended police powers of search, seizure, and curtailing public speech, "always in cases involving communists"; Feldman, "Civil Liberties," in Bogdanor, ed., *British Constitution in the Twentieth Century*, 422. See also Nigel Copsey and Andrzej Olechnowicz, *Varieties of Anti-Fascism: Britain in the Inter-War Period* (New York, 2010); Gerald D. Anderson, *Fascists, Communists, and the National Government: Civil Liberties in Great Britain, 1931–1937* (Columbia, Mo., 1983); Ewing and Gearty, *The Struggle for Civil Liberties*; Janet Clark, *The National Council for Civil Liberties and the Policing of Interwar Politics: At Liberty to Protest* (Manchester, 2012); Clark, "Sincere and Reasonable Men? The Origins of the National Council for Civil Liberties," *Twentieth-Century British History* 20, no. 4 (2009): 513–537.

<sup>62</sup> *Times* (London), August 22, 1924, November 19, 1925; Ewing and Gearty, *The Struggle for Civil Liberties*, chap. 3.

arrested in 1920 for printing and circulating communist literature. He was sentenced to six months in prison. Three years later, Inkpin was again arrested, along with eleven other leaders of the party, and charged with violating the Incitement to Mutiny Act of 1797 by distributing seditious literature. All twelve of them were convicted; five CPGB leaders were sentenced to a year in prison, and the remainder to six-month terms. In Birmingham in 1921, four Communists, three of them ex-soldiers, were charged and sentenced to several months' imprisonment for inciting disaffection in the military. In Cardiff that same year, a Communist organizer was sentenced to three months for saying that the police were paid agents of the capitalists. In Glasgow in 1925, a conference of forty-four Communist women was raided by a force of thirty to forty police officers.<sup>63</sup> In Manchester in 1930, a Communist organizer visiting from the U.S. was caught with a list of names of Communists, and sentenced to a month in prison. Also in 1930, an organizer was sentenced to eighteen months in prison for leafleting British soldiers in Aldershot, calling on them to refuse to "shoot down the heroic Indian workers and peasants" then organizing against the Raj. In 1931, a woman running on the Communist ticket for a parliamentary seat was sentenced to three months' hard labor for inciting a crowd during a speech. Moreover, during moments of mass unrest, such as the 1926 general strike and the 1934 unemployed marches, there were hundreds or perhaps thousands of arrests and imprisonments of strike and protest leaders who were also Communists, or suspected of being Communists, and prosecuted for inciting disorder.<sup>64</sup>

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<sup>63</sup> *Manchester Guardian*, June 3, 1925.

<sup>64</sup> *Times* (London), April 24, 1921; May 13, 1921; April 13, 1926; *Manchester Guardian*, May 2, 1930; *Times* (London), June 6, 1930; October 12, 1931. On mass

A few things are notable about these arrests. These Communists were arrested for being Communists, for advocating political ideas in public and private, publishing articles and making speeches, and organizing a political party, not for espionage or subterfuge, or for actions unrelated to their political activity. Authorities prosecuted Communists using a creative range of laws, from the 1797 Mutiny Act to various public-order laws. These arrests carried significant prison sentences. And these were public arrests, reported in newspapers, with Communist advocacy the declared crime. This political policing was overt.<sup>65</sup>

Of particular concern to British officials was the potential for insurgency within the military. In 1931, those fears seemed to come true when the government imposed severe pay cuts on the navy, and sailors in the Home Fleet, anchored off Invergordon in Scotland, launched a protest. As the uprising spread, the government began to call it a “mutiny,” and suspected that Communists were at work. The CPGB had very little to do with the episode, but the government launched a purge of the navy, discharging over a thousand seamen. Two party leaders were charged with inciting mutiny, and sentenced to three years and twenty months in prison, respectively. This episode occurred the same year as the Bonus March of military

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arrests during the 1926 General Strike and the 1934 unemployed marches, see Ewing and Gearty, *The Struggle for Civil Liberties*, chaps. 4 and 5.

<sup>65</sup> Simply cataloguing all these political prosecutions would be a worthy task. In *The Struggle for Civil Liberties*, Ewing and Gearty describe a number of legal cases brought against Communists and the precedents set, but information about Communist arrests and prosecutions is otherwise scattered.

veterans in the U.S., which was also alleged to be a Communist plot and violently suppressed; however, no Americans were tried for participating in the march.<sup>66</sup>

Initially there was little public debate or protest of these overt instances of repression, in part because the wartime civil liberties movement had scattered in the early 1920s. By 1934, however, police harassment of hunger marchers helped spark the organization of a new British civil liberties group, the National Council on Civil Liberties (NCCL). The organization campaigned against a proposed stringent new law that would formally criminalize advocacy of the “alteration of the established law, form of Government, or Constitution of the United Kingdom.” Public protest resulted in the amendment of the law into an “Incitement to Disaffection Act,” to apply only to efforts to “seduce” members of the armed forces away from their duties, with Communist organizers imagined as the most likely seducers. This defeat was compounded by the implementation of the Public Order Act of 1936, ostensibly enacted to crack down on British Union of Fascists marches, when the law was promptly applied to striking miners in Nottinghamshire.<sup>67</sup> The NCCL had little to

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<sup>66</sup> On Invergordon, see Alan Ereira, *The Invergordon Mutiny: A Narrative History of the Last Great Mutiny in the Royal Navy and How It Forced Britain off the Gold Standard in 1931* (London, 1981); Anthony Carew, *The Lower Deck of the Royal Navy, 1900–39: The Invergordon Mutiny in Perspective* (Manchester, 1981); Andrew, *Defence of the Realm*, 162–164. On the Bonus March, see Donald J. Lisio, “A Blunder Becomes a Catastrophe: Hoover, the Legion, and the Bonus Army,” *Wisconsin Magazine of History* 51, no. 1 (1967): 37–50.

<sup>67</sup> Clark, *The National Council of Civil Liberties and the Policing of Interwar Politics*, 130. See also Ewing and Gearty, *The Struggle for Civil Liberties*, 325.

show for its efforts, and British civil libertarians saw their legal climate worsen in the interwar years.<sup>68</sup>

While their protests of these overt and public acts of anticommunist repression had little effect, civil libertarians were unaware of, and unable to challenge, the covert political surveillance that was invisible to them. One reason for their ignorance was Britain's "culture of secrecy," which shielded much government activity from sight. Many historians have written about the extraordinary capacity of the British state to hide its activities by the early twentieth century. David Vincent has provided a sweeping account of the structures and policies that enabled this culture, from a stringent Official Secrets Act that criminalized any "unauthorized" release of information about governmental initiatives, to the emergence of a tight-knit elite professional civil service bound by a code of "honourable secrecy."<sup>69</sup> It was very

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<sup>68</sup> While ideological antistatism underlay much of the opposition to federal political policing in the U.S., there is little evidence of an analogous antistatism among British civil libertarians. Antistatism as an ideology deserves more attention in modern British history. As James E. Cronin remarks, "Precisely because the questions asked about the state have for so long been informed by a sense of its inevitable tendency to grow, knowledge about resistances to state expansion is limited. Interest groups that pitted themselves against the welfare state have tended to be written off as mere political relics, while thinkers who opposed the state's assumption of greater responsibility have been seen as uncritical prisoners of orthodoxy and hence intellectually barren." Cronin, *The Politics of State Expansion: War, State and Society in Twentieth-Century Britain* (London, 1991), 4.

<sup>69</sup> David Vincent, *The Culture of Secrecy: Britain, 1832–1998* (Oxford, 1998). On the British "culture of secrecy," see also Christopher Moran, *Classified: Secrecy and the State in Modern Britain* (Cambridge, 2013); James Michael, *The Politics of Secrecy* (Harmondsworth, 1982); Clive Ponting, *Secrecy in Britain* (Oxford, 1990); Satia, *Spies in Arabia*, chap. 9. On secrecy and intelligence, see Richard J. Aldrich,

difficult for citizens to gather basic information about the activities of the police and the policies of the government toward domestic radicalism. Activists were also hampered by the cultural image of the “indulgent bobby,” which framed British police as gentle, friendly, and nonpolitical, in sharp contrast to the secret police and agents provocateurs of France and Germany.<sup>70</sup> An inquiry into police procedure in 1929 reassured the public that the police had “never, as a body, pressed cases unfairly against suspected persons; that they have never resorted to that kind of exhausting, even torturing examination known as the Third Degree; and that they have not interfered over-zealously with the rights of the public.”<sup>71</sup> Both Labour and

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“Policing the Past: Official History, Secrecy and British Intelligence since 1945,” *English Historical Review* 119, no. 483 (2004): 922–953. For a discussion of British officials’ efforts to hide archival evidence of colonial atrocities, see Caroline Elkins, “Looking beyond Mau Mau: Archiving Violence in the Era of Decolonization,” *American Historical Review* 120, no. 3 (June 2015): 852–860. For a social history of secrecy in British domestic life, see Deborah Cohen, *Family Secrets: The Things We Tried to Hide* (London, 2013).

<sup>70</sup> Clive Emsley, “The English Bobby: An Indulgent Tradition,” in Roy Porter, ed., *Myths of the English* (Cambridge, 1992), 114–135. Behind the scenes, however, officials worried about imputations of political partisanship to the police. In 1927, a committee charged with overseeing the security services debated how to forestall claims of bias, as “it is manifestly important that the police, like the fighting services and, if it comes to that, the civil service, should be free from the suspicion of taking sides in party politics.” It was impossible to prevent such claims, however, as “policing has to be carried on under a fierce light of publicity and the suspicious or malicious critic will have plenty of material to his hand.” Secret policing offered a way out of this conundrum. TNA, Records Created or Inherited by the Foreign Office, FO 1093/72, “The ‘Political’ Activities of the Police,” March 25, 1927.

<sup>71</sup> “The Police Report,” *Spectator*, March 30, 1929, 4.

Conservative politicians tended to praise rather than criticize policing practices, leaving little political space for civil libertarians.<sup>72</sup>

Unbeknownst to the British public, the British government undertook a much broader covert campaign of surveillance and policing of Communists in the interwar years. In a 1935 memo, MI5 laid out its existing practices, which had become so far-reaching that some reduction was necessary. MI5 told the Home Office that its existing efforts to “make exhaustive enquiries” about all British Communists had proved unnecessary, and it would henceforth confine its investigations to “the leaders of the Party and those individuals who are known to engage in illegal activities and to act in this country as direct agents of the Comintern.” MI5 would maintain its surveillance of the National Unemployed Workers’ Movement, the Friends of the Soviet Union, and other “subsidiary bodies of the Comintern.” Factories producing war materials and other vital government supplies would remain under scrutiny. Communists working in “Government Establishments” would be identified, and efforts would be made to “neutralize the chances of mischievous activity by and through them.” And finally, MI5 would “continue our policy as before of identifying

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<sup>72</sup> John Carter Wood, “Press, Politics, and the ‘Police and Public’ Debates in Late 1920s Britain,” *Crime, Histoire & Sociétés/Crime, History and Societies* 16, no. 1 (2012): 75–98. In the interwar years, many British commentators argued that Britain was a unique bastion of liberal freedom compared to Europe’s dictatorships and Fascism. Denunciations of continental “secret police” frequently featured in these accounts; see, for example, George Orwell’s comment in 1940 that “[h]owever unjustly England might be organised, it was at any rate not torn by class warfare or haunted by secret police.” Orwell, “The Lion and the Unicorn,” in Orwell, *Essays* (New York, 2000), 138–188, here 152. See also Peter Mandler, *The English National Character: The History of an Idea from Edmund Burke to Tony Blair* (New Haven, Conn., 2006), chap. 5.



any members of the Armed Forces likely to be actively engaging in subversive activities in their units and arrange, as hitherto, for their discharge.” This large undertaking would rely on mail interception as well as the national network of police constables who would advise when Communists “obtain employment, or attempt to cause industrial trouble” at factories and worksites considered “Security Points.”<sup>73</sup>

Read in isolation, the scale of surveillance contemplated may seem like a grandiose fantasy. Security files released to the National Archives, however, confirm its outlines. MI5 tapped phones, intercepted mail, and sent agents to tail a remarkable number of people in the interwar years, from Cecil Day Lewis, later the poet laureate, because he had sent a letter to a leading Communist; to novelist André Malraux, because he had fought with the Republicans in Spain; to Dorothy Galton, an expert on beekeeping and an administrator of the School of Slavonic and East European Studies, because she joined a Russian study circle.<sup>74</sup> These surveillance operations tracked subjects over decades, and often concluded that the targets were innocent of espionage or disloyalty, but worth tracking just in case. For example, historian Christopher Hill joined the Communist Party in 1935. MI5 began keeping tabs on him that year, and continued to surveil him until 1962.<sup>75</sup>

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<sup>73</sup> TNA, Records of the Security Service, KV 4/125, “MI5 Policy in Regard to the Communist Party of Great Britain,” November 22, 1935.

<sup>74</sup> TNA, KV 2/1386; KV 2/1385; KV 2/3049.

<sup>75</sup> TNA, KV 2/3941. For recent accounts of interwar MI5 surveillance, see James Smith, *British Writers and MI5 Surveillance, 1930–1960* (Cambridge, 2013); Charmian Brinson and Richard Dove, *A Matter of Intelligence: MI5 and the Surveillance of Anti-Nazi Refugees, 1933–50* (Manchester, 2014); Quinlan, *The Secret War between the Wars*; Madeira, *Britannia and the Bear*.

As these examples show, Security Service suspicions fell upon elites as well as rank-and-file workers. Yet working-class Communists came under dramatically more scrutiny—and suffered more severe policing. In late 1926, Harry Pollitt, a boilermaker by trade and the head of the Communist Party of Great Britain, applied to work at the Royal Arsenal at Woolwich. The Arsenal, which sat just east of the city of London, developed and built armaments and ordnance, part of Britain's sizable state-owned munitions industry. Jobs at Woolwich offered stable hours and good wages, and were highly desirable in interwar Britain. But within a few hours, a superintendent at the Arsenal stepped in: Pollitt was a known Communist, and thus a security risk. Although Pollitt tried to coax the superintendent to let him stay ("I did my best to convert him to our policy and principles," he told a friend), he was fired before he had a chance to start work.<sup>76</sup> The episode startled MI5's Vernon Kell and the War Office. Could Communists infest Britain's war machine? Within a few months, the War Office issued a confidential policy to tighten up its pre-hire screening to prohibit the employment of "undesirable" persons.<sup>77</sup>

That June, in the aftermath of the General Strike, the Cabinet took up the matter. "It was understood that Bolshevist Communism included a belief in the employment of revolutionary means to enforce its doctrines upon the nation." Therefore the Cabinet enacted a bar on Communists working for the government:

The Cabinet agreed that the following policy should be adopted by Government Departments (the Civilian as well as the Service Departments) in dealing with Communists:

(a) Persons who can be shown by reasonable evidence to be actively engaged in the dissemination of anti-constitutional and revolutionary

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<sup>76</sup> TNA, KV 2/1034, Harry Pollitt to Percy Glading, November 26, 1926.

<sup>77</sup> TNA, Records Created or Inherited by the War Office, WO 32/3368, "Engagement of Civilian Employees," February 24, 1927.

propaganda, either oral or written, should be discharged forthwith and without pension or other superannuation benefit;

(b) Persons who merely label themselves as Communists without taking any active part in the furtherance of Communism should be eliminated as and when opportunity offers, i.e., by discharge on reduction.<sup>78</sup>

The Cabinet formally reaffirmed this policy in 1931 and 1936.<sup>79</sup> MI5 took over the screening of potential employees, coordinating with local police to vet applicants and regularly updating lists of suspected Communists working in ordnance factories such as Woolwich Arsenal, at the Royal Aircraft Establishment at Farnborough, and at the Royal Dockyards at Portsmouth, Plymouth, and Chatham. From 1927 until the outbreak of World War II, thousands of workers were screened, and many suspected of Communist sympathies were barred from employment or fired from government service.<sup>80</sup> In the interwar years, MI5 saw Communism as a problem of the working class, as Kell explained in a 1933 memo: “There are Communists employed in the Post Office, in Royal Naval Dockyards, in the Civil Service, and in factories employed on secret Government work.” He added, “it requires little imagination to

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<sup>78</sup> TNA, CAB 23/55/5, June 1, 1927.

<sup>79</sup> TNA, CAB 23/69/13, December 2, 1931, and CAB 23/84/2, April 29, 1936.

<sup>80</sup> For files documenting the government’s implementation of the policy, and plainly labeled as such, see, for instance, TNA, WO 32/18112, “Employment of communists in Government establishments”; TNA, Records Created or Inherited by HM Treasury, T 162/1004/3, “Discipline: Employment of communists in government establishments”; TNA, Records Created or Inherited by the Air Ministry, the Royal Air Force, and Related Bodies, AIR 2/15742, “Employment of Communists”; TNA, Records of the Admiralty, Naval Forces, Royal Marines, Coastguard, and Related Bodies, ADM 178/162–163, “Communists employed in HM Dockyards: Dismissals”; TNA, Records of Departments Responsible for Labour and Employment Matters and Related Bodies, LAB 8/1032, “Admiralty: arrangements for blacklisting various men discharged from the Devonport Dockyard to prevent them obtaining any Government employment.”

envisage, in a time of emergency, dislocation of the telegraph service, sabotage in the docks, leakage of information from a Government office, or the destruction of a munition factory.”<sup>81</sup> This vetting regime involved a very large number of workers. The “industrial civil service” included 123,000 workers in factories and shipyards, comprising a quarter of the total governmental workforce in the interwar years.<sup>82</sup> Evidence suggests that the government also sought to block the employment of Communists in privately owned munitions factories.<sup>83</sup> By July 1940, an official complained that “The Service establishments covered by this vetting have grown out of all knowledge. M.I.5. are called upon to check something like 25,000 names a month.”<sup>84</sup>

This policy was never announced to the public or to government workers; it was a closely guarded secret, albeit one communicated to all ministers and senior civil

<sup>81</sup> TNA, KV 3/382, Vernon Kell to Russell Scott, “The C.P.G.B.,” March 20, 1933.

<sup>82</sup> Royal Commission on the Civil Service, *Report* (London, 1931), 4–5.

<sup>83</sup> See, for example, the circular “Notes on Munitions Security,” 1933, and subsequent editions, in TNA, KV 4/43. For instances of direct interference by MI5 with the employment of a suspected Communist in commercial aircraft factories, see TNA, KV 2/2029, O. A. Harker to R. V. Perfect, August 3, 1937, and KV 2/2030, O. A. Harker to E. W. Percival, October 2, 1939.

<sup>84</sup> TNA, CAB 116/37, Lord Swinton to Service Supply Departments, July 10, 1940. Philip Cunliffe-Lister, Viscount Swinton, was appointed in 1940 by Winston Churchill to a newly created Home Defence (Security) Executive. He sought to reduce the vetting burden on MI5, freeing it for the “vital security work” of the war, and proposed that “M.I.5. should cease to attempt to vet the ordinary industrial employees” in the service ministries and the Ministry of Supply. Swinton encountered extraordinary opposition to this proposal, especially from the Admiralty.

service managers.<sup>85</sup> Workers tagged as potential Communists were not told the reasons for their firing or denial of employment. Several officials chafed at the policy. As Treasury Controller Russell Scott commented, “If a Communist is eligible for election to Parliament, it is illogical to say that one cannot serve in the Civil Service (provided that he observes the rules of that Service). Moreover dismissals on political grounds are objectionable.”<sup>86</sup> The First Lord of the Admiralty, William Bridgeman, pressed the Cabinet to announce the policy and give a suspected worker the “opportunity of choosing whether he shall give up active participation in communism, or continue his activities and be discharged forthwith.”<sup>87</sup> But this internal dissent never leaked out of the confines of the Cabinet. The culture of “honourable secrecy” held fast.

Despite its formal scope, this anticommunist policy was not enforced for “black-coated” office workers (referred to as the “non-industrial Civil Service”), according to files released to date.<sup>88</sup> Double-agents such as Donald Maclean, recruited to the Civil Service and assigned to the Foreign Office in 1935, and Guy Burgess, hired into the foreign intelligence service MI6 in 1938, escaped scrutiny despite their

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<sup>85</sup> The policy was formally announced at a meeting of heads of ministries and departments on July 14, 1927. Officials attended from thirty-three government departments, from the Board of Trade and the Ministry of Agriculture to the British Museum and the India Office, and were advised that “it was not desired that office circulars should be issued” to their staffs on the new policy. TNA, T 162/1004, “Notes of meeting,” July 14, 1927.

<sup>86</sup> TNA, T 162/1004, Russell Scott to Evelyn Murray, March 25, 1926.

<sup>87</sup> TNA, CAB 24/189, “Employment of Communists in Government Establishments, Memorandum by the First Lord of the Admiralty,” November 8, 1927.

<sup>88</sup> The “non-industrial Civil Service” comprised approximately 120,400 workers in 1930. Royal Commission on the Civil Service, *Report*, 4.

open involvement with the CPGB while at university.<sup>89</sup> By 1946, the government began to realize that it had misjudged the situation: “The main risk to be feared from the Communist Party in the pre-war period was one of unrest in the industrial sphere and in the Armed Forces of the Crown,” explained a Security Service memo. “The higher social status of the present membership has brought a new danger to the fore as the scientists and professional workers, who are now in the Party ranks, have access to far more secret information than had the pre-war membership.”<sup>90</sup> Belatedly, it became clear that the assiduous interwar screening policy had been misconceived. “Honourable secrecy” protected elite spies with a shroud of trust denied to manual and industrial workers.

Secrecy permitted the government a wide degree of latitude in deciding whether and how to punish suspected Communists. For example, Wilfred Vernon was a technical assistant at the Royal Aircraft Establishment at Farnborough, which conducted aeronautical research and development. He was an active member of his local CPGB group, and MI5 had been tracking him since 1934; an informant at Farnborough told them Vernon was a “cypher contact between this area and Party H.Q. in London.” In 1937, the local police discovered in his possession a number of secret documents concerning aircraft design. Vernon was tried under the Official Secrets Act and convicted over his vociferous denials, which were supported by the

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<sup>89</sup> There is a large body of popular works on elite British spies such as Burgess and Maclean, and rather less scholarly research on them. See, for instance, Ben Macintyre, *A Spy among Friends: Kim Philby and the Great Betrayal* (London, 2015). Key scholarly texts are authorized histories of the intelligence services: Andrew, *Defence of the Realm*; Keith Jeffery, *MI6: The History of the Secret Intelligence Service, 1909–1949* (London, 2010).

<sup>90</sup> TNA, KV 4/251, J. O. Archer to N. S. Paynter, March 21, 1946.

National Council on Civil Liberties. His punishment was quite light: a fine of £50 and dismissal from Farnborough. By 1939, MI5 believed that Vernon had “not ‘done anything’ for a long time” and appeared to have left the party, and he was permitted to serve as an instructor at the Osterley Home Guard Training School.<sup>91</sup> Wartime exigency sped the rehabilitation process for others as well. Christopher Hill, having been denied a job as a historian for the War Office, was in 1943 a major in the Intelligence Corps. He was later seconded to the Foreign Office, and assigned to head the Russia Desk, in part due to his fluency in Russian.<sup>92</sup>

In other cases, MI5 took a harder line. Percy Glading was a grinder at the Woolwich Arsenal. In 1928, he was fired for being a Communist. The Amalgamated Engineering Union took up his case, and involved the Trades Union Congress in a lengthy defense of workers’ right to hold independent political views.<sup>93</sup> Glading lost

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<sup>91</sup> TNA, KV 2/991-995.

<sup>92</sup> Richard C. S. Trahair and Robert L. Miller, eds., *Encyclopedia of Cold War Espionage, Spies, and Secret Operations*, new ed. (New York, 2009), 147–149; TNA, KV 2/3941. After the war, Vernon was elected as a Labour MP for Dulwich. In 1952, Vernon reversed his earlier denials. He had, in fact, passed technical documents to a Soviet handler; TNA, KV 2/996. See also Daniel W. B. Lomas, “Labour Ministers, Intelligence and Domestic Anti-Communism, 1945–1951,” *Journal of Intelligence History* 12, no. 2 (2013): 113–133.

<sup>93</sup> Modern Records Centre, Warwick, Trades Union Congress Papers, MSS. 292/771/21/2, “Report of a Meeting of the Finance and General Purposes Committee of the General Council of the Trades Union Congress and Representatives of the Parliamentary Labour Party, Held in the Whips Room, House of Commons, on Monday 29 February at 4pm”; “Subject: Freedom of Thought, Dismissed Communist,” 1928; “Draft: AEU Dismissal of Member at Woolwich Arsenal,” October 25, 1928. See also Richard Thurlow, “Soviet Spies and British Counter-Intelligence in the 1930s: Espionage in the Woolwich Arsenal and the Foreign Office

his job, but he continued his involvement with the CPGB. In 1937, he returned to Woolwich and reestablished ties with old colleagues. His network tried to smuggle weapons designs out of the arsenal, but they were caught by MI5 in one of its rare successful spy prosecutions between the wars. In 1938, Glading was convicted of violating the Official Secrets Act and given a six-year prison term, and his co-conspirators George Whomack and Albert Williams got four years and three years, respectively.<sup>94</sup> Other files suggest that suspicion fell on Communists for their political ideas, and charges of sabotage were never substantiated. For example, MI5 began tracking John Salisbury, a shipwright at the Royal Dockyard at Plymouth, in 1931 when they intercepted a membership list for his newly formed Friends of the Soviet Union branch. Over the next several years, he was suspected of sabotaging several submarines. Salisbury had been involved in the Invergordon Mutiny, and it appears likely that his politics, rather than any hard evidence, aroused suspicion. He was fired from Plymouth Dockyard in 1936, along with several other suspected Communist workers, on flimsy evidence. They were permanently blacklisted from government work.<sup>95</sup>

Yet some industrial workers received more evenhanded treatment. For example, Arthur Hunt was hired at Woolwich Arsenal as a skilled tool-and-gauge worker in 1925. In 1931, Special Branch identified him as a Communist, and noted suspicion that he was supplying information about Arsenal output to a Soviet handler. For the next ten years, detectives regularly tailed Hunt. In 1938 he was questioned on

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Communications Department,” *Intelligence and National Security* 19, no. 4 (2004): 610–631.

<sup>94</sup> Andrew, *Defence of the Realm*, 182–185.

<sup>95</sup> TNA, KV 2/2497–2500; TNA, LAB 8/1032.



suspicion of removing documents from the Arsenal, and in 1939 he was arrested for being rowdy at an unemployed workers' march. Nothing conclusive demonstrated his disloyalty, and MI5 did not move against him. After he retired from the Arsenal in 1952, MI5 kept tabs on him for several more years, taking note when he paid a visit to Harry Pollitt. Hunt likely was a Communist activist, based on the evidence in his file, but he did not suffer any adverse consequences for it.<sup>96</sup>

Interwar surveillance could detect suspicious figures quite early and accurately. Contemporaries and historians have often derided British intelligence for missing important spy cases unfolding under their noses, the Cambridge Five most prominently. But these files show an alert and sophisticated intelligence operation. These investigations were well beyond the capacity of the American state in the interwar years at the federal level, or any level, and they long preceded the atomic espionage fears that often are cited as a reason for such surveillance. In light of all this evidence, some known at the time and some unknown, it is hard to square the image of Britain as a moderate redoubt of civil liberties in these years. Indeed, these findings reveal that long before the Cold War and the United States' creation of the federal loyalty-security program, Britain had in place its own national loyalty-security program, and its own regime for scrutinizing the loyalty of citizens. The interwar American domestic-security state looks positively amateur in comparison.

The specific mix of secrecy and publicity in Britain's security regime suggests a lot about the nature of its political culture. Police did not hesitate to openly watch

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<sup>96</sup> TNA, KV 2/2035. As an Arsenal worker, Hunt was subject to the secret anticommunist bar. The policy permitted firing of Communist workers already on the payroll only if they were detected committing subversive acts. As MI5 never proved Hunt to be an "active Communist," he was not fired.

and persecute Communist activists, and there was little public challenge to their authority to do so. Revolutionaries could be repressed without backlash. But security services surreptitiously surveilled citizens who had not engaged in openly seditious practices or otherwise challenged the government, because such surveillance violated popular discourses about the legitimate workings of the state. As George Orwell explained in 1940, “Everyone believes in his heart that the law can be, ought to be, and on the whole, will be, impartially administered.” He added, “The professed enemies of society have this feeling as strongly as anyone else.”<sup>97</sup> In practice, equality under the law was illusory.

Why, despite ample evidence to the contrary, does this interwar anticommunist policing and repression figure so little in histories of modern Britain? Scholarship based on the archives of the “secret state” has long been widely available. Many of the files that document the secret governmental anticommunist bar have been declassified for a number of years, yet historians have not written about it. This analysis suggests that it simply does not fit into standard narratives of the era, because it did not feature in the political discourse of the time. Because the scope and scale of British political policing was largely unknown to its subjects, they did not organize against it, or even comment on it. Those people who were fired or barred from employment as suspected Communists could only suspect the causes of their treatment. They could not protest what they did not know.

Historians interpret the words and deeds of historical actors, and in the interwar years there was little discourse in Britain about widespread and systematic violations of civil liberties. On the contrary, interwar “little England” was imagined as a country that uniquely respected civil liberties and free association, sustained by

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<sup>97</sup> Orwell, “The Lion and the Unicorn,” 144.

common sense, gentlemanly leadership, and anti-intellectualism.<sup>98</sup> When a historian such as Harriet Jones says that British anticommunism was “relatively restrained” due to “a party system which tended to encourage reasoned debate rather than radical extremes of thought, and a professional Civil Service which provided a stable and experienced framework for policy advice and implementation,” she is reflecting views widely held by her subjects.<sup>99</sup> Here is the challenge for historical analysis. Evidence produced by interwar historical actors—political organizing, cultural production—rarely intersects with what we now know about British surveillance. The “secret state” rumbled at times like an underground tremor, but it was rarely visible.

For historians, the difficulty is to balance the evidence of political policing with its public expression. It is easy to find evidence of the depredations of American political police, because they were exposed at the time, and to tell a narrative that integrates this story into a broader interpretation of American history. It is much harder to do so in the British case. As with other areas of historical research, we are obliged to read across and against the grain, and sometimes to argue with our historical subjects, those who were innocent of what we have discovered, and those whose political advocacy draws our attention to what they wanted to expose.

WAR QUICKLY CHANGED THE RELATIONSHIP between the U.S. and the UK, as both countries replayed their World War I-era mobilizations. MI5 feared that German intelligence operatives had an open playing field in the U.S. In 1938, after tipping off

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<sup>98</sup> Mandler, *The English National Character*, chap. 5. See also Jon Lawrence, “Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain,” *Journal of Modern History* 75, no. 3 (2003): 557–589.

<sup>99</sup> Harriet Jones, “The Impact of the Cold War,” in Addison and Jones, *A Companion to Contemporary Britain*, 23–41, here 24.

the clueless FBI to Nazi agent Guenther Rumrich's large American spy ring, MI5 sent senior agent Guy Liddell to the U.S. to assess the situation. He reported back that the U.S. presented a security problem, as "this country really does not realize the necessity of dealing stringently with spies and saboteurs," and "the United States Authorities have no adequate machinery" for counter-subversive policing.<sup>100</sup> As he wrote, the U.S. had begun to build its own machinery. This was a publicly debated initiative, authorized by law and approved by Congress. It involved legislation authorizing the FBI and other federal agencies to investigate and police Communists and Fascists, as well as banning them from the federal civil service, and a rapid expansion in the Bureau's staffing.<sup>101</sup> The drumbeat of publicity from the Dies Committee, coupled with the Nazi-Soviet Aggression Pact, created strong pressure for a crackdown. In 1939, J. Edgar Hoover testified in Congress that the FBI had "compiled extensive indices of individuals, groups, and organizations" that were "engaged in subversive activities, in espionage activities," and asked for special funding to continue building the lists.<sup>102</sup> The following year, Attorney General Robert Jackson announced the government's plan for "surveillance of individuals and groups

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<sup>100</sup> TNA, KV 4/394, Guy Liddell to Vernon Kell, April 1938.

<sup>101</sup> The Smith Act, passed in 1940, granted the FBI the authority to police those advocating the violent overthrow of the government; the Hatch Act of 1939 barred Communists and Fascists from the federal civil service.

<sup>102</sup> U.S. House, Committee on Appropriations, *Emergency Supplemental Appropriation Bill for 1940*, 76th Cong., 3rd sess. (Washington, D.C., 1939), 304–305.

within the United States who are sympathetic with the systems or designs of foreign dictators.”<sup>103</sup>

This was hardly a “secret state.” Rather, civil libertarians and government officials emphasized that this surveillance program would be undertaken by “responsible employees of the Federal Government” who had been trained “in the rights of the citizen as well as in methods of crime suppression.” This stood in sharp contrast to the “agents of vigilante groups” or private detective agencies that had been responsible for civil-liberties abuses in the past.<sup>104</sup> The ACLU registered its wary support: while the FBI required oversight to “curtail its tendencies to assume the role of a political police,” the Department of Justice had been “in principle sensitive to the maintenance of civil liberties.”<sup>105</sup> Congressional publicity about the lack of federal

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<sup>103</sup> “Jackson Counsels Calm in Nation: Federal Program Adequately Controls Aliens, the Attorney General Tells State Bar,” Special to the *New York Times*, June 30, 1940, 14.

<sup>104</sup> Frank Murphy, *In Defense of Democracy: Text of the Bill of Rights* (Washington, D.C., 1940), 5. Here my account takes on a transnational dimension in addition to the comparative one, showing how domestic policing practices sometimes migrated internationally, and how bringing the state into transnational history can help break the “syllogistic knot” of historical “good lessons” embedded in international interchange and “bad lessons” embedded in national narratives. Saunier, “Learning by Doing,” 171.

<sup>105</sup> ACLU, *Liberty’s National Emergency: The Story of Civil Liberty in the Crisis Year, 1940–1941* (New York, 1941), 16. As historians have often noted, dramatic curtailments of civil liberties frequently accompanied war mobilizations; see, for instance, Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime, from the Sedition Act of 1798 to the War on Terrorism* (New York, 2004). In the U.S. during World War II and the early Cold War years, popular agitation called for escalating domestic and international intelligence-gathering; Larry Valero, “‘We Need Our New OSS, Our New General Donovan, Now . . .’: The Public Discourse over American

authority to surveil subversives, and the abuses committed by detectives dressed up in state authority, had made the case for authorizing a permanent federal policing bureaucracy.

In many ways, that bureaucracy learned from the British security regime. After the Rumrich debacle, Prime Minister Winston Churchill installed a British contingent in Washington to train up the FBI. From 1940, as Raymond Batvinis has shown, MI5 maintained a regular presence in Washington, via the British Security Coordination, a standing body, to coordinate among Canadian, American, and British intelligence. According to Batvinis, “Hoover’s introduction to the British was a watershed event in the formation of the FBI’s counterintelligence program,” which “laid the foundation for U.S. counterintelligence for the remainder of the century.”<sup>106</sup> Very rapidly, under the tutelage of British intelligence, the U.S. built and staffed a large domestic political policing force. Britain also augmented its prewar police machinery with more staff and funding, authorized by new emergency powers legislation that permitted, among other things, detention of citizens without charge or trial. For the most part, however, Britain’s extensive and secret political policing continued as before, only magnified.<sup>107</sup>

During and after the war, the U.S. and UK collaborated in both domestic and foreign intelligence matters. But tensions plagued the “special relationship” between

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Intelligence, 1944–1953,” *Intelligence and National Security* 18, no. 1 (2003): 91–118.

<sup>106</sup> Batvinis, *The Origins of FBI Counterintelligence*, 190.

<sup>107</sup> On the emergency legislation, see Charles Townshend, *Making the Peace: Public Order and Public Security in Modern Britain* (Oxford, 2003), chapter 6; A. W. Brian Simpson, *In the Highest Degree Odious: Detention Without Trial in Wartime Britain* (Oxford, 1992).

their domestic security services, especially in the aftermath of the Soviet Union's first atomic bomb test in 1949. With the revelation that Manhattan Project scientists, including British citizen Karl Fuchs, had shared information with the Soviet Union, recriminations mounted. British newspaper headlines blared: "Americans demand: No more atom secrets for Britain."<sup>108</sup> The proper balance between secrecy and publicity became a flashpoint, as Britain insisted on handling Fuchs's case, along with other domestic security matters, behind closed doors, while U.S. officials demanded more information about British screening of government workers. Unlike the post-World War I demobilization, the FBI's new bureaucratic authority and capacity to conduct secret surveillance remained. At the same time, the regime of congressional public exposure and policing of Communists reached its apogee in the hearings of HUAC and the Senate Internal Security Subcommittee.

As HUAC began interrogating Hollywood actors, civil servants, and scientists, British observers increasingly drew a distinction between American excess and British toleration. "There are some who are so forgetful of British traditions that they even regard it as treachery for an English man or woman to support the cause of those who may be fighting against us," wrote the *New Statesman* in 1951. "We shall be surprised if these tactics meet with much success in England."<sup>109</sup> Repeatedly, British observers decried the "hysteria" and public pillorying of American loyalty investigations.<sup>110</sup>

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<sup>108</sup> *Daily Mirror*, March 2, 1950.

<sup>109</sup> "Un-British Activities," *New Statesman*, June 23, 1951, 699–700.

<sup>110</sup> Joan Mahoney, "Civil Liberties in Britain during the Cold War: The Role of the Central Government," *American Journal of Legal History* 33, no. 1 (1989): 53–100, here 96. See also Phillip Deery, "'A Very Present Menace?' Attlee, Communism, and the Cold War!," *Australian Journal of Politics and History* 44, no. 1 (1998): 69–93;

Meanwhile, American civil libertarians sought lessons from the British. In 1947, the Rockefeller Foundation funded a multi-year project at Cornell University to study the effects of the new regime of loyalty-security investigations. Robert E. Cushman, an eminent scholar of civil liberties and something of an Anglophile, assembled a group of scholars to research the matter. He sent Eleanor Bontecou, a seasoned civil rights lawyer, to Britain to investigate its implementation of loyalty screening. Her report found that the British government had “acted with moderation and good sense, and with a continuing realization of the possible impact of the policy on the liberties of the individual.” She praised the doughty spirit of the British approach, as “such a program of austerity as to dogma and ideology lends no aid and comfort to the witch hunters and fanatics.”<sup>111</sup> What she did not know, nor did American officials or British citizens, was the scope of loyalty screening that had gone on for years.

THIS ANALYSIS SHOWS THE SIGNIFICANCE of the structure of the state to its security regime: the decentralized U.S. state was less able to coordinate policing across jurisdictions, whereas the centralized British state was able to operate across the whole country. It also reveals how social dynamics shaped policing, with workers

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Thomas J. Maguire, “Counter-Subversion in Early Cold-War Britain: The Official Committee on Communism (Home), the Information Research Department, and ‘State-Private Networks,’” *Intelligence and National Security* 30, no. 5 (2015): 637–666. For attribution of “positive vetting” to American pressures, see Peter Hennessy and Gail Brownfield, “Britain’s Cold War Security Purge: The Origins of Positive Vetting,” *Historical Journal* 25, no. 4 (1982): 965–974. On “negative vetting,” see Lomas, “Labour Ministers, Intelligence and Domestic Anti-Communism.”

<sup>111</sup> Eleanor Bontecou, *The Federal Loyalty-Security Program* (Ithaca, N.Y., 1953), 270–271.



subject to dramatically more repression in Britain, and elites subject to populist forms of public policing in the U.S. More democratic policing inhibited the exercise of discretion by American officials, while more secrecy permitted the British to build a quiet surveillance leviathan. Each security regime reflected deep social and cultural formations that are not visible through abstractions such as the “surveillance state.”

What does this comparison offer for advancing our understanding of modern political policing? It shows that frameworks like the “secret state” are overdue for reconsideration. Rather than taking secrecy as a premise, we should ask it as a question: What was secret from whom? How was surveillance conducted and authorized? How and when did police choose to repress particular political actors, and was this covert or overt? Analyzing surveillance and policing together—what did authorities know, and what did they do about it?—can enable us to build new empirical understandings of the development of the modern state, and the particular political subjectivities that it produced. Security regimes were always embedded in social relations and available for various interests to mobilize. As Foucault wrote, policing “did not function in a single direction. It was in fact a double-entry system: it had to correspond, by manipulating the machinery of justice, to the immediate wishes of the king, but it was also capable of responding to solicitations from below.”<sup>112</sup> Recovering these solicitations is essential for writing the social history of the modern security state, and the ways in which citizens often collaborated in its construction.

The challenge of integrating these new studies of surveillance into broader interpretive frameworks remains. Intelligence scholars have often remarked on the difficulty of accounting for covert action—the “missing dimension”: how can the significance of subterfuge be assessed, especially when nearly all historical actors

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<sup>112</sup> Foucault, *Discipline and Punish*, 214.

were ignorant of it?<sup>113</sup> Our archival discoveries estrange us from our historical subjects. It is awkward to learn that in 1940, as George Orwell issued his stirring call to patriotic arms in “The Lion and the Unicorn,” Special Branch had been keeping a file on Eric Blair since 1929.<sup>114</sup> We know something they could not, alienating us even further from a past we struggle to apprehend. Historical practice involves trying to get into the heads of our historical subjects while also scrutinizing them from an analytical distance, and the discovery of facts unknown to them crystallizes the contradictions of this posture. How can historical subjectivities be synthesized with the workings of the secret police?

It is helpful to remember that archival findings have no stable meaning, and historical actors would interpret them within their available frameworks, just as we do. A useful heuristic is to try to imagine what Eric Blair or Harry Pollitt or Roger Baldwin might say if we could tell them what we have found out. R. G. Collingwood called this trick “historical reenactment,” and E. H. Carr “imaginative understanding.”<sup>115</sup> It requires not some sort of mystical communing, but thoughtful reflection grounded in historical evidence about the ideologies, cultures, and experiences our subjects inhabited. It would take another article to sketch out what

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<sup>113</sup> Christopher Andrew and David Dilks, eds., *The Missing Dimension: Governments and Intelligence Communities in the Twentieth Century* (Urbana, Ill., 1984); Calder Walton and Christopher Andrew, “Still the ‘Missing Dimension’: British Intelligence and the Historiography of British Decolonization,” in Patrick Major and Christopher Moran, eds., *Spooked: Britain, Empire and Intelligence since 1945* (Cambridge, 2009), 73–96. For an exemplary effort to combine intelligence and political history, see Aldrich, *The Hidden Hand*.

<sup>114</sup> TNA, KV 2/2699, “George Orwell, alias Eric Arthur Blair [*sic*].”

<sup>115</sup> R. G. Collingwood, *The Idea of History* (New York, 1946), 282–302; E. H. Carr, *What Is History?* (New York, 1961), 26–28.

such an effort might yield for this story. As a starting place, many of its American subjects would probably not be impressed to learn that the British regime was more stringent, and would continue to doubt the legitimacy of American federal surveillance authority. Many of its British subjects would focus on whether agents respected the privacy and dignity of the surveilled, and raise issues of “fair play,” but concede the state’s right to police radicals. What becomes immediately obvious is that our contemporary notions about civil liberties, state power, and surveillance have limited purchase on the ideological landscape we seek to understand. Venturing this imaginative exercise opens up new lines of thinking about the cultural forces that produced and legitimated each security regime, and suggests possibilities for how we might bring surveillance and policing back into the “social history of politics.”<sup>116</sup>

Some closing thoughts: Looking back from our present moment, how are we to interpret this story? We are living in an era when a global security state has been constructed before our eyes, one that surpasses the wildest dreams of J. Edgar Hoover and Vernon Kell. In our time, as in theirs, authorities invoke the stealth and subterfuge of the “enemy” as a rationale for sweeping surveillance, with militant Islam standing in for Communism. Often authorities argue that surveillance protects the innocent—if citizens have nothing to hide, they should have nothing to fear—and permits targeted and precise policing of the guilty, or prevention of crime before it can be committed. Cold War–era surveillance increasingly operates in these discussions as a model of warranted policing that preserved democracy and helped defeat a stealthy enemy.<sup>117</sup> In this context, the question of how Western states reacted

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<sup>116</sup> Huret, “All in the Family Again?”

<sup>117</sup> Legal scholar David Cole made the comparison soon after the 9/11 attacks, noting, “We have not, it is true, made it a crime to be a *member* of a terrorist group, but we

to fears of Communist subversion is not just a historical curiosity; it is a discourse that is itself a historical force. A more precise understanding of how these security regimes developed and operated is needed now.

What stands out about much modern civil-liberties discourse is its resolute focus on autocratic executive power and its willfully averted gaze from the legislative

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have made guilt by association the linchpin” of the “war on terrorism.” Cole said, “while many argue that we have avoided the mistakes of the past in this crisis, it would be more accurate to say that we have adapted the mistakes of the past.” Cole, “The New McCarthyism: Repeating History in the War on Terrorism,” *Harvard Civil-Rights Civil-Liberties Law Review* 1 (2003): 1–30, here 2, 1. A recent *Wall Street Journal* editorial on the “ideological Islamist threat” argued, “The useful analogy here is to the Cold War, when the world was also challenged by an ideology that professed its superiority over an allegedly decadent West”; “The Ideological Islamist Threat: The Radicals Are Waging a War of Ideas the West Refuses to Fight,” *Wall Street Journal*, February 19, 2015. Philip H. Gordon, now a senior fellow at the Council on Foreign Relations, has a remarkable formulation that shows how the comparison obfuscates: “Where the war on terror is concerned, some of the most instructive lessons can be drawn from the experience of the Cold War, thus named because, like the war on terror, it was not really a war at all.” Of course, the Cold War was indeed a war in Asia, Africa, and Central America, where massed troops exchanged fire regularly, as Odd Arne Westad has pointed out. Likewise the “war on terror” continues to produce a great deal of traditional armed conflict in the Middle East and Africa. Gordon, “Can the War on Terror Be Won? How to Fight the Right War,” *Foreign Affairs* 86, no. 6 (2007): 53–66, here 55; Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge, 2006). In 2015, the British government raised concerns about stealthy Islamist subversion, announcing a campaign against “entryist infiltration of the public sector, charities and businesses by Islamist and other extremists.” During the Cold War, the term “entryism” was used to describe efforts by Marxists and Trotskyists to “infiltrate” the Labour Party and other institutions. “Hunt for Islamic Radicals Penetrating the Public Sector,” *Times* (London), October 20, 2015; “Entryism,” *Oxford English Dictionary*.

enactment of repressive measures. A civil-liberties bromide repeated in the titles of numerous “sunshine” laws and policies promises that “sunlight is said to be the best of disinfectants”: exposure and publicity are the means by which an informed public can fight political repression.<sup>118</sup> This populist way of thinking continually brackets the moments when an informed democratic public elects to empower the state to police politics. Civil libertarians in our era are not only facing a problem of secrecy. We also have a C-SPAN problem, named after the American television channel that broadcasts congressional proceedings in all their numbing inanity: repression enacted in plain sight. Focusing on the bureaucratic imperative of political repression can blur the political will that sustains it.

An air of hopelessness often pervades theoretical writing that envisions the apparent inevitability of ever more sweeping and impregnable security regimes. In *Homo Sacer*, Agamben insists on the futility of political action for citizens subject to powerful sovereignties. “Until a completely new politics—that is, a politics no longer founded on the exception of bare life—is at hand,” he wrote, “every theory and every praxis will remain imprisoned and immobile.”<sup>119</sup> Protest is pointless, he suggests. E. P. Thompson saw a similar cynicism at play within the British left, where “a profoundly pessimistic determinism” produced “a loose rhetoric in which civil rights and democratic practices are discounted as camouflage, or as the relics of ‘bourgeois liberalism.’” Thompson dismissed these “half-truths,” insisting instead on the “immense variety of forms of state power, traditions of law and of civil rights, and of

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<sup>118</sup> Louis Brandeis, “What Publicity Can Do,” *Harper’s Weekly*, December 20, 1913, 10–13, here 10.

<sup>119</sup> Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Calif., 1998), 13.

popular expectations and resistance.” Exposure was necessary but not sufficient. Politics mattered, and it was the specificity of historical experience that enabled political mobilization: “the most immediate and consequent struggles to maintain liberty are, exactly, about kinds and places, cases and precedents, and the bringing of power to particular account.”<sup>120</sup>

Historical analysis can illuminate what was unknown about previous security regimes, and denaturalize what seems typical about contemporary ones. As public fear escalates about terrorist attacks and international reactionary movements, and popular pressure mounts for more political policing, we need more and better histories to inform debates about securing and extending democracy in a new age of extremes. In 1979, E. P. Thompson said that historians must “renew the nerve of outrage and we have to alert the public conscience” so that citizens might “become jurors in their own case.”<sup>121</sup> To do so, first we have to get the story straight.

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<sup>120</sup> Thompson, “The Secret State,” 233.

<sup>121</sup> Ibid., 241.